

PUBLIC SECTOR-GOVT. PRISONS

1992

AUG- NOV,

'Explosive — handle with care' Gluckman hides files on deaths

AUG 11/8/92
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Weekend Argus
Correspondent

JOHANNESBURG —
There are two square marks in the carpet in Dr Jonathan Gluckman's Braamfontein office, imprinted into the fabric by a pair of heavy filing cabinets that have stood there for ages, until this week "I've moved them somewhere for safekeeping," he says "I had all my files in the Biko case stolen and I don't want to lose any more."

The movers of the two cabinets could quite justifiably have labelled them "Explosive — handle with care"

They contain records of more than 200 post-mortems conducted on people who died in police custody This week Dr Gluckman, one of South Africa's top pathologists, charged the police with responsibility for "90 percent" of the deaths and urged the government to conduct public inquests into each one.

"When I sat in front of Her-nus Kriel and Adriaan Vlok and told them about this, they were shocked and said 'What do you think we should do?'" Dr Gluckman says.

"I said, 'You must have an inquest in every case, in open court and preferably in front of a judge.'"

The response from the Department of Justice, via Minister Kobie Coetsee, had Dr

■ The Biko case will never lie down, says Dr Jonathan Gluckman. For the top pathologist work linked to deaths in police custody seems to be only just beginning.

Gluckman shaking his head in what was either disbelief or dismay

"The whole point has been missed," he said in response to Mr Coetsee's invitation to Dr Gluckman to submit a list of inquests he considered to be "contentious"

"There have been no inquests in these cases," says Dr Gluckman "That's the problem Nothing happens I have not been called to give my evidence I don't know why no inquests have been called So I certainly can't say which inquests were contentious."

On the walls of Dr Gluckman's offices are photographs from trials past where he has testified One is dated 1972 and shows Dr Gluckman with human-rights lawyers Mr George Bizos and Mr Issy Maisels Dr Gluckman also gave inquest evidence for the family of black-consciousness leader Steve Biko, who died in police custody in 1977.

"The Biko case will never lie down," says Dr Gluckman. "Everybody who was involved with it has thought about these things ever since"

Yet despite this history, Dr Gluckman says taking the stand that he has is "not really my job I am an objective scientist I report to lawyers

They are officers of the court".

"But when I came to realise the extent of this problem, I became progressively more worried I continuously thought about what I could do about it It was not my job but when nothing happened I decided to address the State President"

Dr Gluckman's letter to President De Klerk led to a meeting with the Minister of Law and Order, Mr Kriel, and the Minister of Prisons, Mr Vlok.

"I did believe they would take the matter further," Dr Gluckman says "I presented five cases to them and in February a police brigadier came to see me and took away those files After that I never heard another word"

Dr Gluckman decided to speak out after Simon Mthimkulu, 19, was found dead in a veld in Sebokeng 12 hours after he was taken into police custody "It filled me with horror that this was still going on," he says

Dr Gluckman is confident that good will come out of his disclosures "It must change No responsible government will ignore this I am very glad that I have stirred up something that can only have positive results"

By Donald Zake

A BRANDVLEI prison warden who faced criminal charges for speaking to the press and smuggling letters out of the jail has been reinstated after being suspended without pay for over eight months

When Mr Henogh Arendse appeared in the Worcester Magistrate Court last week, the prosecutor announced that charges had been withdrawn on the instructions of the Attorney-General

Arendse was suspended on October 29 last year when police began investigations under the Prisons Act into claims that he had spoken to the press about prison conditions, and that he smuggled prisoners' letters out of jail

Press leaks: Prison warden is reinstated

SOUTH 1/8-51/92

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A Worcester prosecutor issued subpoenas under Section 205 of the Criminal Procedure Act against two Cape Town journalists working for the South African Press Association and the Sunday Times, but withdrew them after the journalists indicated they would refuse to name the sources of articles they had written

The articles dealt in part with riots at Brandvlei Maximum Security Prison last year, when prisoners claimed they were assaulted by staff of the Department of Correctional Services, and with the "klipkame" labour system, which has since been abolished

The charge against Arendse of speaking to the press was withdrawn in February this year

He subsequently appeared in court twice. On June 25 he was instructed to report back to work and on July 23 the last charge against him was withdrawn

A spokesperson for the Police and Prison Civic Rights Union (Popcu), of which Arendse is a member, said the investigation and suspension had clearly been intended to victimise Arendse

The Popcu spokesman said Arendse was not paid during the period of his suspension and would now be entitled to back pay

During the period of Arendse's suspension he had not been eligible for medical aid and had been prevented from entering the prison grounds

Arendse had also not been permitted to leave Worcester without permission from the Department of Correctional Services

Arendse's attorney said from Paarl this week he had been instructed to investigate a damages claim against the Department of Correctional Services

12 AUG 1992

REPUBLIEK
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PRETORIA, 1 AUGUSTUS
AUGUST 1992

No. 14204

PROKLAMASIE

van die

Staatspresident

van die Republiek van Suid-Afrika

No. R. 86, 1992

WYSIGINGSWET OP AANGELEENTHEDE
RAKENDE KORREKTIEWE DIENSTE EN TOESIG,
1991 (WET No 122 VAN 1991)

Kragtens artikel 50 van die Wysigingswet op Aangeleenthede rakende Korrektiewe Dienste en Toesig, 1991 (Wet No 122 van 1991), bepaal ek hierby **1 Augustus 1992** as die datum waarop—

- (a) (i) artikels 38, 41 (b), 45 en 47 van genoemde Wet (hieronder die Wysigingswet genoem),
- (ii) artikel 41 (a) van die Wysigingswet, in soverre dit paragraaf (h) by artikel 276 (1) van die Strafproseswet, 1977 (Wet No 51 van 1977), voeg; en
- (iii) artikel 42 van die Wysigingswet, in soverre dit artikel 276A (1) in die Strafproseswet, 1977, invoeg,

in werking tree ten opsigte van die gebiede van die landdrostdistrikte Adelaide, Albanie, Alexandria, Barkly-Wes, Bathurst, Bedford, Bloemfontein, Boshof, Bothaville, Botshabelo, Brandfort, Caledon, Calitzdorp, Camperdown, Ceres, Chatsworth, Durban, Fort Beaufort, George, Groblersdal, Hankey, Hennenman, Herbert, Humansdorp, Inanda, Jacobsdal, Kimberley, King William's Town, Kirkwood, Klerksdorp, Knysna, Komga, Koppies, Kroonstad, Ladismith (K), Laingsburg, Lindley, Lydenburg, Malmesbury, Middelburg (T), Montagu, Mosselbaai, Moutse, Nelspruit, Oberholzer, Odendaalsrus, Oos-Londen, Oudtshoorn, Paarl, Parys, Pelgrimsrus, Petrusburg, Pietermaritzburg, Pinetown, Port Elizabeth, Potchefstroom, Robertson, Somerset-Wes, Stellenbosch, Strand, Sutherland, Tulbagh, Uitenhage, Uniondale,

PROCLAMATION

by the

State President

of the Republic of South Africa

No. R. 86, 1992

(253)

CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991 (ACT No 122
OF 1991)

Under section 50 of the Correctional Services and Supervision Matters Amendment Act, 1991 (Act No 122 of 1991), I hereby fix **1 August 1992** as the date on which—

- (a) (i) sections 38, 41 (b), 45 and 47 of the said Act (hereinafter referred to as the Amendment Act),
- (ii) section 41 (a) of the Amendment Act, in so far as it adds paragraph (h) to section 276 (1) of the Criminal Procedure Act, 1977 (Act No 51 of 1977), and
- (iii) section 42 of the Amendment Act, in so far as it inserts section 276A (1) in the Criminal Procedure Act, 1977,

shall come into operation in respect of the areas of the Magisterial Districts of Adelaide, Albany, Alexandria, Barkly West, Bathurst, Bedford, Bloemfontein, Boshof, Bothaville, Botshabelo, Brandfort, Caledon, Calitzdorp, Camperdown, Ceres, Chatsworth, Durban, East London, Fort Beaufort, George, Groblersdal, Hankey, Hennenman, Herbert, Humansdorp, Inanda, Jacobsdal, Kimberley, King William's Town, Kirkwood, Klerksdorp, Knysna, Komga, Koppies, Krōr stad, Ladismith (C), Laingsburg, Lindley, Lydenburg, Malmesbury, Middelburg (T), Montagu, Mossel Bay, Moutse, Nelspruit, Oberholzer, Odendaalsrus, Oudtshoorn, Paarl, Parys, Pilgrim's Rest, Petrusburg, Pietermaritzburg, Pinetown, Port Elizabeth, Potchefstroom, Robertson, Somerset West, Stellenbosch, Strand, Sutherland, Tulbagh, Uitenhage, Uniondale, Vanderbijlpark, Ventersdorp, Vereeniging,

Vanderbijlpark, Ventersdorp, Vereeniging, Viljoenskroon, Vredefort, Warrenton, Welkom, Wellington, Witbank, Witrivier en Worcester,

- (b) artikel 41 (a) van die Wysigingswet, in soverre dit paragraaf (i) by artikel 276 (1) van die Strafproseswet, 1977, voeg, in werking tree ten opsigte van die gebiede van die landdrost-distrikte Barberton, Belfast, Bergville, Bethal, Bethlehem, Bloemhof, Carolina, Coligny, Cradock, Delmas, Dundee, Eshowe, Estcourt, Frankfort, Glencoe, Gordonia, Graaff-Reinet, Harrismith, Heilbron, Hoefeldrif, Hofmeyr, Hoopstad, Jansenville, Kliprivier, Koster, Kranskop, Kriel, Lichtenburg, Lionsrivier, Lower Tugela, Lower Umfolozi, Marico, Mooirivier, Mtonjaneni, Mtunzini, New Hanover, Pearston, Rustenburg, Sasolburg, Senekal, Somerset-Oos, Steytlerville, Swartruggens, Umvoti, Ventersburg en Wolmaransstad, en

- (c) artikel 46 van die Wysigingswet in werking tree ten opsigte van die gebiede van al die landdrost-distrikte ten opsigte waarvan genoemde artikel 46 nie by Proklamasies Nos 78 van 1991 of R 20 van 1992 aldus in werking gestel is nie

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Dertigste dag van Julie Eenduisend Negehoederd Twee-en-negentig

F. W. DE KLERK,
Staatspresident

Op las van die Staatspresident-in-Kabinet

H. J. COETSEE,
Minister van die Kabinet

Viljoenskroon, Vredefort, Warrenton, Welkom, Wellington, Witbank, White River and Worcester,

- (b) section 41 (a) of the Amendment Act, in so far as it adds paragraph (i) to section 276 (1) of the Criminal Procedure Act, 1977, shall come into operation in respect of the areas of the Magisterial Districts of Barberton, Belfast, Bergville, Bethal, Bethlehem, Bloemhof, Carolina, Coligny, Cradock, Delmas, Dundee, Eshowe, Estcourt, Frankfort, Glencoe, Gordonia, Graaff-Reinet, Harrismith, Heilbron, Highveld Ridge, Hofmeyr, Hoopstad, Jansenville, Klip River, Koster, Kranskop, Kriel, Lichtenburg, Lions River, Lower Tugela, Lower Umfolozi, Marico, Mooi River, Mtonjaneni, Mtunzini, New Hanover, Pearston, Rustenburg, Sasolburg, Senekal, Somerset East, Steytlerville, Swartruggens, Umvoti, Ventersburg and Wolmaransstad, and

- (c) section 46 of the Amendment Act shall come into operation in respect of the areas of all the Magisterial Districts in respect of which the said section 46 has not by Proclamations Nos 78 of 1991 or R 20 of 1992 been so put into operation

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirtieth day of July, One thousand Nine hundred and Ninety-two

F. W. DE KLERK,
State President

By Order of the State President-in-Cabinet

H. J. COETSEE,
Minister of the Cabinet.

INHOUD

No

Bladsy Koerant
No No

PROKLAMASIE

R 86 Wysigingswet op Aangeleenthede rakende Korrektiewe Dienste en Toesig (122/1991) Inwerkingtreding van sekere artikels 1 14204

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How many have died in jail? (23)

Weekend Argus Correspondent

DETERMINING just how many people have died in police custody appears to be a difficult task. The Human Rights Commission (HRC) lists 29 people by name who died between January 1990 and June this year.

Newspaper records indicate three others who died during that time, but are not on the HRC list.

Dr Jonathan Gluckman says he has files on more than 200 deaths in police custody and claims about 90 percent died as a result of police actions.

Minister of Law and Order Mr Hernus Kriel says he has ordered an investigation into all deaths in detention since January 1991 in response to Dr Gluckman's allegations.

However, his ministry yesterday was unable to say how many such deaths had occurred, in spite of the fact that Mr Kriel met Dr Gluckman five months ago.

Ministry spokesman Captain Craig Kotze said "The police have the information, but it has to be collated."

Families' endless wait for inquests

253 AMG 1/2/92

ON January 19, 1990 Dr Jonathan Gluckman went to the government mortuary in Johannesburg to examine the body of Nickson Phuri, a 16-year-old Khutsong boy who had died in police custody after "suffering a fit and hitting his head against a cupboard".

Dr Gluckman found Phuri had cuts on his wrists, forearms, elbows, shoulder, back and right shin. There was also damage to his skull, right eye and mouth. Under "cause of death", Gluckman wrote "Cerebral haemorrhage associated with external injuries".

Six months later, Dr Gluckman returned to the mortuary to examine the body of Leshe Majola, a man who police said had drowned in the Vaal River four days earlier while trying to escape from the custody of the Vanderbijlpark Murder and Robbery Unit.

Dr Gluckman found that Majola had indeed drowned, but noted that the dead man's hands and arms were very tightly secured behind the back — to a degree, in my view, that virtually no movement was possible. Majola's legs were clamped in irons, Dr Gluckman reported, so that "movement would have been limited to the length of the connecting chain".

Later that year, on December 18, Dr Gluckman was called to examine the body of Bethuel Maphumulo, a black man who had handed himself over to the Soweto Murder and Robbery Squad at Protea for questioning in connection with a cashbox robbery.

A police statement said Maphumulo had tried to escape while handcuffed and had attacked a policeman near the station swimming pool. Both men had fallen into the pool, the statement said, and Maphumulo drowned.

Dr Gluckman, in his post-mortem report, wrote under "cause of death": "Multiple injuries. The demonstration of fracture of the hyoid bone is highly suggestive of manual strangulation." He also recorded bruises on Maphumulo's arms, neck and legs.

In none of these cases has Dr Gluckman had an opportunity to present his evidence to an inquest court.

In the case of Phuri, an inquest was held on February 22 last year — but the letter sent to the family's lawyers was dated February 21 and reached them on March 1.

In Majola's case, an inquest was held in December 1990, but without the dead man's legal representatives being notified. The Majola family's attorney, Mr Lawley Shein — who called Dr Gluckman in for the post-mortem — had written six letters to the police inquiring about the inquest date.

He received two replies from senior officers assuring him he would be notified.

Three of Mr Shein's letters were sent after the inquest had already been held, but the police did not contact him to convey this. After a Press inquiry into progress on the Majola case came this terse reply: "The magistrate's verdict at an inquest reads 'Consistent with drowning'." A suicide.

Last August, the Majola family petitioned the Attorney-General to reopen the case and hold a formal inquest. Nearly eight months later, the AG replied that the matter had been "thoroughly investigated". It would not be reopened.

No inquest on Maphumulo has been held, 18 months after his death. Repeated inquiries from Mr Shein — who also acts for the Maphumulo family — prompted a letter from the Ministry of Law and Order last September saying the matter was "receiving urgent attention". Finally, an answer from the police arrived two weeks ago saying "The AG has instructed that an inquest must be held. The date has not been decided."

The Minister of Law and Order, Mr Hernus Kriel, has said he will examine all cases on deaths in custody, in response to Dr Gluckman's charge that police are directly responsible for most of them.

But Maphumulo's case is one that Mr Kriel has already looked into.

A letter from the Ministry, dated October 15, 1991 and signed by Mr Kriel, said "the matter has been investigated".

Mr Kriel said the investigation into Maphumulo's death was complete and that the docket had been forwarded to the AG.

Mr Kriel ruled out the suspension of any policeman as a result of the incident. He said such steps were only taken "if the seriousness of the allegation is of such a nature that the continuation of his services are to the detriment of the good order and discipline of the SAP".

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3 prisons being built for 3 000 inmates

CT 3/8/92 Staff Reporter

THREE prisons capable of accommodating 3 144 inmates are under construction, and extensions are being done on six existing prisons to accommodate a further 916 prisoners, a Department of Correctional Services spokesman said at the weekend

Prisons are chronically overcrowded, with 107 000 prisoners — 25 000 more than the carrying capacity. Two more prisons with a capacity of 1 558 and costing more than R174 million will be planned in the next five-years

Prison authorities are also considering several other options such as a tent camp on Robben Island and an American-inspired "boot camp" system, a spokesman said

FW meets envoy Cohen

TIM COHEN

PRETORIA — US Assistant Secretary of State for Africa Herman Cohen held talks with President F W de Klerk and other government officials yesterday.

Cohen is on a two-day "routine" trip to Africa, having arrived from Angola and Zaire on Sunday, a US Information Service official said. Cohen is likely to meet ANC president Nelson Mandela and other ANC officials today.

The trip was not linked to the ANC alliance's mass action campaign, and the official said his arrival just before the start of the campaign was pure coincidence.

A spokesman for the President's office was unable to confirm whether a letter sent by US President George Bush offering assistance in resurrecting political negotiations was discussed.

Cohen leaves this evening

Talks on political prisoners continue

DISCUSSIONS between government and the ANC on the fate of political prisoners — the only issue still being discussed openly by the two — were continuing, spokesmen for both sides confirmed yesterday.

ANC international affairs director Thabo Mbeki, who held talks with government on the prisoners last week, said yesterday the discussions were continuing. And a Justice Department spokesman said Justice Minister Kobie Coetsee was dealing with the matter which had reached a sensitive stage.

With mass action reaching its climax, there was little chance now of any resumption in constitutional negotiations, with government insisting it would not be pressed into making concessions and the ANC saying its demands had to be met before negotiations could restart.

However, talks on the prisoners could cover more than the fate of the actual prisoners themselves.

Government, in a memorandum issued after the ANC pulled out of Codesa, indicated that it wanted "one single agreement with a multilateral effect" It argues that it

has fulfilled its obligations in regard to political prisoners

"What is now disputed is the release of a number of prisoners who have committed common law crimes such as murder and whom the government maintains fall outside the ambit of the agreed definition on guidelines for the identification of political prisoners." The memorandum added that agreement had been reached at Codesa on a task group to consider the identification of prisoners who fall outside the current definition of political prisoner.

It went on to say that a new agreement with a multilateral effect needed to be finalised which included the lack of indemnity for senior ANC officials, the future of the ANC's armed wing Umkhonto we Sizwe and the arms caches.

However, legal sources said an agreement on political prisoners who committed murder would have to extend to all those who committed murder for political gain, including security force members.

The Human Rights Commission says there are still 353 political prisoners

PATRICK BULGER

B1 DAY 4/8/92

(253)

home is new way

By Joe Mdhlela

■ COMMUNITY SERVICE Prisoners

MATSHELE MOLETE, who otherwise would right now be languishing in jail, now has a hope of finishing

his tertiary education

He will serve his nine-month correctional supervision sentence for fraud at his Soshanguve home, thanks to a new method of serving sentences now being implemented by the Department of Correctional Services

Betty Mabhena (32) and Godfrey Magaela (25) who were convicted by the Pretoria Magistrate's Court of theft and house-breaking will also not go to jail

Betty was sentenced to 12 months' imprisonment and Godfrey three years. What does a sentence of correctional supervision mean?

Major Albert Khambule, a social worker and senior employee of the department, said correctional supervision is defined as a community-based sentence

"The Act provides that transgressors be sentenced to correctional service as an alternative to a prison term," Khambule said

If the commissioner is satisfied a prisoner needs correctional supervision, an application to the courts is made to commute the sentence of imprisonment into correctional supervision, according to Khambule

"The aim of correctional supervision is to control, monitor and rehabilitate prisoners who serve their sentences within the community," he said

The department's director of the services, Brigadier Gert Jonker, said although the system was new in the country, it was already enjoying great success

"We are talking about 89 percent success rate out of the 886 cases the correctional services has handled thus far

"Only 97 cases under the new system have failed

"The system is still very new. The success rate will probably increase over a period of time," said Jonker

Jonker said the system had advantages, including the fact that a first-time offender was not exposed to the negative influences of hardened criminals and the prison sub-culture

can now pay back their debt to society (253)

from their home: Sowetan 7/8/92

"The isolation effect of imprisonment is avoided and the prejudice of the community towards ex-prisoners is eliminated," he said

Such imprisonment-related problems as the break-up of family life, deterioration of mental health, and the deprivation of individuals from managing their lives were eliminated

The first offender is usually placed under one of three degrees of correctional supervision: maximum, medium and minimum monitoring

The three categories determine the extent to which the restriction will be applied

"Regular evaluation ensures that probationers are upgraded from a more intensive to a less intensive degree of supervision and the other way round," said Jonker

The overpopulation of prisons, and the astronomical costs of maintaining prisoners were factors taken into account when the new system was first implemented in Pretoria and Wonderboom in August 1991, Jonker said

Prison still remains important for the detention of hardened criminals

Brigadier Gert Jonker

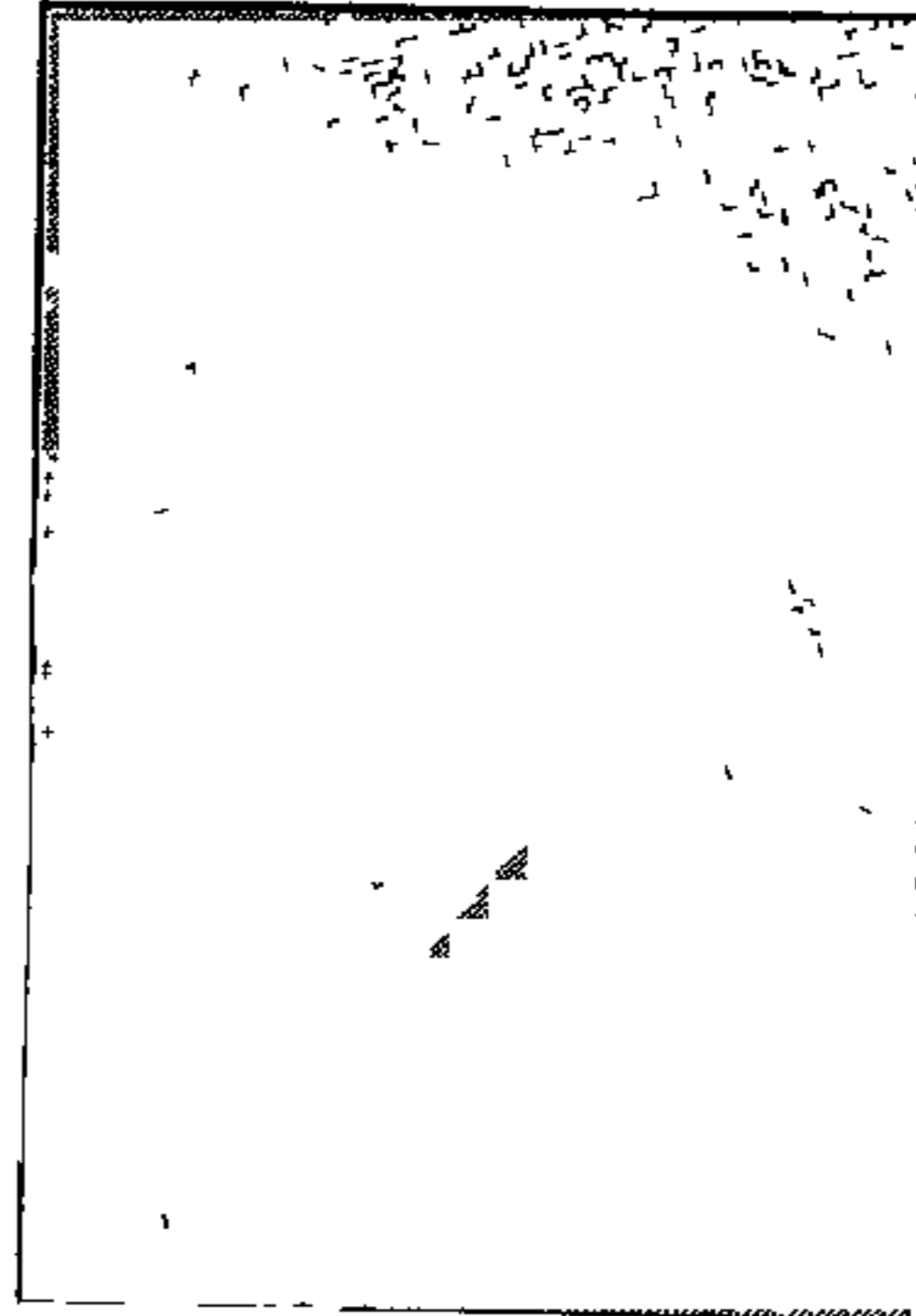
"The cost of maintaining a prisoner is R41 as opposed to R15 it costs to implement the new system," he said

The system is presently effective in Pretoria magisterial areas and Cape Peninsula and will be introduced in the rest of the country in June 1993

The supervision programme includes

- The monitoring of the individual's telephonic communication and physical control at work and home where the community service is rendered,

- House arrest or home incarceration,



Brigadier Gert Jonker.

PICS' VUSI MANYONI

- Victim compensation,
- Community service to be rendered free of charge for a specific number of hours to the benefit of the community, and

- Treatment programmes by specialists in order to prevent crime, alcohol and drug abuse

However, hardened criminals like murderers, rapists and all those who have committed crimes would not benefit from this system, according to Jonker

"Prison still remains important for the detention of hardened criminals and those who pose a threat to the community," Jonker observed

Betty, who was sentenced to serve a 12-month sentence in May, said "I have two children of schoolgoing age. I don't know what could have become of my children had I been given a prison term

"The new system is helpful and makes me feel I am part of the community and not a prisoner. I do not feel ostracised," she said

Twenty-three-year-old Matshele, a second year information student at the Northern Transvaal Technikon, expressed joy that the correctional supervision system would enable him to finish his studies uninterrupted

Senior policeman to probe torture claims

253
18/92

ARG T 18/92

Staff Reporter

A SENIOR police officer has been appointed to investigate allegations of torture at Peninsula police stations.

This is in reaction to an article in The Argus on July 29 on a report done by researcher Mr Lovell Fernandez for the University of Cape Town's Institute of Criminology

The report found that Bishop Lavis, former headquarters of the Peninsula Murder and Robbery Unit, was most frequently named in connection with allegations of torture at police stations. Athlone and Bellville were next

The acting Regional Commissioner in the Western Cape, Brigadier G A G van Zyl, said he had appointed an officer to investigate the allegations in depth.

Everyone who made such allegations would be interviewed and sworn statements would be taken from them.

Brigadier Van Zyl said the police did not tolerate misconduct by force members and had proved that action was taken when substantiated evidence of misconduct or assault was found

It was important to note that only three cases of assault had been reported against members of the Murder and Robbery Unit since 1990. "Not one of the members was found guilty in a court of law," he said.

He also asked that police be given a chance to investigate complaints before "vague and unsubstantiated allegations" were made public

Murder, assault probe in cell death

253
27/8/92

BLOEMFONTEIN — A man died in police custody early yesterday, the police public relations division here has revealed

The post-mortem will be held "at a date to be arranged with the Free State's chief state pathologist"

A case of murder and another of assault were being investigated under the personal supervision of Major-General U T Calitz, regional commissioner in the Free State, the police said

In their statement police said that on Sunday, two men robbed a municipal constable of his official firearm in the Mokwallo township outside Vredefort

Two suspects were arrested on Wed-

nesday, but when a routine visit was paid to their cells at 1.30am yesterday it was discovered that one of the men had died

Police said they had not been able to trace the dead man's relatives, who as a result had not been informed of his death, or of their right to appoint a lawyer and a private pathologist.

General Calitz said he viewed the incident in a very serious light.

A full report would be made to Lieutenant-General L P E Malan, section head of the Visible Policing Department in Pretoria once investigations had been completed — Sapa

Attention has been focused on the issue of celldeaths following allegations two weeks ago by pathologist Dr Jonathan Gluckman — Sapa

Another death in custody

253

Feb 7/8/92

The Argus Correspondent

JOHANNESBURG — Another man has died in police custody, bringing to three the number of people who have died since pathologist Dr Jonathan Gluckman charged two weeks ago that police were murdering people who had been arrested

Police are investigating a charge of murder, and one of assault, after the man died in his Vrededorf police station cell within 12 hours of being taken into custody, Free State police said yesterday.)

Police said the man had been arrested late on Wednesday afternoon in connection with the theft of a firearm from a municipal policeman on Sunday

He was found dead during a "routine visit" to his cell at 1 30 am yesterday, police said

The man's name has not been disclosed as his next of kin have not been traced

A post mortem will be held on a date to be determined by Free State chief state pathologist Professor JH Olivier

The man and an alleged accomplice were arrested on

Wednesday in connection with the theft of the municipal policeman's firearm in Mokwallo, near Vrededorf, on Sunday

A police spokesman said the two men were kept in separate cells

Regional Police Commissioner Major-General Tertius Calitz said he would personally supervise the investigation into the suspect's death and a full report would be sent to Lieutenant-General L P E Malan, Divisional Chief of Visible Policing in Pretoria

General Calitz said the police would not tolerate misconduct

● Last Wednesday a robbery suspect fell four floors to his death in Hillbrow, Johannesburg

● Last Monday a 20-year-old man accused of stealing a firearm "collapsed and died" at Vosloorus Police Station on the East Rand

● A Free State farm worker died of a stroke within a day of spending a few hours in police custody in Reddersburg last month. The man's family charged he had been assaulted in police custody.

Talks on prisoners fuel negotiations hope

By Peter Fabricius and Esther Waugh

253

STAR 7/8/92.

Several meetings between the Government and the ANC over the last week on the release of remaining political prisoners could create the climate for a possible resumption of formal negotiations

Intense negotiations are under way at Cabinet level and the possibility of a general amnesty is being discussed

The general feeling in political circles is that these talks could eventually restart negotiations. The contact began with a meeting last week between ANC negotiator Thabo Mbeki and Foreign Minister Pik Botha which was apparently set up by UN special envoy Cyrus Vance

This led to a further long

meeting between Mr Mbeki and Justice Minister Kobie Coetsee last Friday and a follow-up meeting on Tuesday, Government sources said

They are interpreting these contacts as a possible route back into the formal negotiations which broke down when the ANC pulled out in mid-June

A senior Government source said the release of the remaining political prisoners could create a climate of forgiveness and reconciliation which could spark the next phase of talks

ANC and Government sources stress that the contacts so far have been limited to the problem of political prisoners. The ANC insists that the Government will still have to respond to all 14 of the ANC's demands before formal negotiations can be resumed

However, ANC leader Nelson

Mandela stressed on Wednesday that the ANC would be flexible in its assessment of the Government's response to its demands

The Government is seeking a package deal, linking the release of prisoners to the future of the ANC's military wing Umkhonto we Sizwe (MK) and its arms caches, and indemnity for ANC and MK officials

Although the Government insists that all political prisoners have been released, Mr Botha told the UN Security Council last month "The Government is prepared to discuss a package deal to dispose of a number of outstanding matters, which could include the dispute on the question of political prisoners"

Another meeting is expected to take place once Mr Coetsee has consulted his principals on a time-frame for the release of prisoners.

Alternatives to prison needed

PRISONS are overcrowded by an average of 29 per cent — despite an early release programme. (253)

Major-General H J Bruyn of the Department of Correctional Services told a Human Sciences Research Council conference the prison population stood at about 107 500 on June 30. Each prisoner's keep was about R45 a day. STAR 8/8/92.

As South Africa could not afford its prison population, community-based alternatives to imprisonment had to be employed.

Correctional supervision — introduced last August — was now being used in more than 90 urbanised magisterial districts.

Prisoner talks could re-start negotiations

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ARG 8/8/92

PETER FABRICIUS and ESTHER WAUGH
Weekend Argus Political Staff

SEVERAL meetings between the government and the ANC during the last week on the release of remaining political prisoners could create the climate for a resumption of formal negotiations.

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A senior government source said the release of the remaining political prisoners could create a climate of forgiveness and reconciliation which could spark the next phase of talks.

ANC and government sources emphasise that the contacts so far have been limited to the problem of

political prisoners. The ANC insists the government still will have to respond to all 14 of their demands before formal talks can be resumed.

However, ANC leader Mr Nelson Mandela made it clear on Wednesday that they would be flexible in their assessment of the government's response.

The government is seeking a package deal, linking the release of prisoners to the future of the ANC's military wing, Umkhonto we Sizwe (MK) and its arms caches, and indemnity for ANC and MK officials.

Although the government insists that all political prisoners have been released, Mr Botha told the UN Security Council last month: "The government is prepared to discuss a package deal to dispose of a number of outstanding matters, which could include the dispute on the question of political prisoners."

It is understood that a two-phased approach for the release of remaining prisoners is under discussion. Political prisoners are to be released, and then the future of MK and self-defence units will be discussed once an interim government is in place.

Another meeting is expected to take place once Mr Coetsee has consulted his principals on a time-frame for the release of prisoners.

Only Goniwe's job discussed — Vlok

By DESMOND BLOW and Sapa

CORRECTIONAL Services Minister Adriaan Vlok yesterday admitted he had chaired a State Security Council meeting in 1985 at which activist Matthew Goniwe had been discussed — only days before Goniwe and three other activists were murdered.

He also admitted he had held a telephone conversation with the deputy A-G of the eastern Cape in June this year, which he claimed was illegally tapped.

It was alleged in the media on Friday that the telephone conversation alluded to an explosive document regarding the SSC meeting and that Vlok was told that he (Vlok) "is going to bleed".

The former Law and Order Minister broke his silence yesterday to emphatically deny media insinuations that he had been involved in the murder of Goniwe and three other activists in 1985.

He also stated that he had asked the SAP to urgently investigate the allegations that his phone was illegally tapped while he was speaking confidentially to eastern Cape deputy A-G Malherbe Marais.

Vlok said he viewed the matter in a very serious light and that "legal steps would be considered against those responsible".

Eastern Cape A-G Michael Hodgen last Friday discovered a potentially explosive document concerning Vlok who chaired a sub-committee meeting of the SSC dealing with Goniwe before his

murder.

Hodgen was appointed by State President FW de Klerk in May to investigate an alleged "death warrant" signal sent to the SSC by the SADF's Eastern Province Command on June 7 1985 — three weeks before Goniwe and the other three activists were murdered.

The alleged signal called for the "permanent removal from society" of Goniwe and two of his colleagues.

The sub-committee was, according to the document, charged with discussing Goniwe's future as a teacher in State employ in Cradock.

Yesterday Vlok said he had chaired the meeting asked to conduct an investigation and make recommendations "on the handling of violence and the serious general unrest situation prevalent in the country at the time".

"In the process the possible reappointment of Goniwe, who at that time had been suspended from his post as a teacher, was also looked at, and it was in fact recommended that Goniwe be reappointed.

"An aspect which emerges from this (media) reporting and which I find extremely disturbing is the deduction that someone apparently listened-in illegally to a telephone discussion which I had with the deputy A-G.

"I view this in a serious light and have already lodged a criminal complaint with the SAP.

"Such a state of affairs is totally unacceptable and all possible legal steps will be considered against those responsible for this," Vlok said.

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C/Pren 9/8/92

I was not a party to deaths – Vlok

STAR 10/8/92

By Shaun Johnson
Political Editor

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Correctional Services Minister Adriaan Vlok has confirmed that he chaired a sub-committee of the State Security Council (SSC) which discussed Matthew Goniwe's future, but strongly denies that this was connected to the subsequent deaths of the Cradock activist and three others in 1985.

A special Star investigation last week revealed that eastern Cape Attorney-General Michael Hodgen has discovered a document showing that Mr Vlok, then Deputy Minister of Law and Order and of Defence,

chaired the meeting

Mr Hodgen was appointed in May by President de Klerk to investigate the Goniwe killings, after the publication of an alleged "death warrant" signal from the SADF's Eastern Province Command to the SSC

The signal called for the "permanent removal from society" of Mr Goniwe and his colleagues

In a statement at the weekend, Mr Vlok confirmed the SSC sub-committee meeting

But he rejected "in the strongest terms" implications that he was in any way connected with the murders of Mr Goniwe and activists Fort Calata,

Sparrow Mkonto and Sicelo Mhlawuli

Mr Vlok said that because of the seriousness with which he viewed the matter, he was prepared to confirm his attendance at the meeting

The meeting, said Mr Vlok, was called to discuss and make recommendations on the handling of violence and the "serious situation of unrest" which prevailed in South Africa in 1985

Mr Vlok said that in the process the possible reinstatement of Mr Goniwe as a teacher was discussed, and later approved

The Star's investigation also revealed a reported telephone conversation between Mr Hod-

gen's deputy, Malherbe Marais, and Mr Vlok

Mr Marais is alleged to have told the Minister he was "going to bleed" as a result of the discovery of the new document

Mr Vlok did not comment on the contents of the conversation, but said he had laid a charge with the police alleging the telephone discussion had been tapped

It appeared that someone had illegally listened in on the call

The Minister said that he viewed the matter in such a serious light that "all possible legal steps" would be considered to discover the culprits

Four men die in police custody

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ARG 10/8/92

JOHANNESBURG. — Four men died in custody over the weekend — three in the Eastern Cape and one in the Western Transvaal — bringing to at least seven the number of people who have died in detention in the past fortnight.

Attention has been focused on the issue of cell deaths since top forensic pathologist Dr Jonathan Gluckman went public two weeks ago.

He alleged that policemen were responsible for many detainees' deaths in custody, and that his representations to the authorities had not received priority.

In three of the four cases, the prisoner was found hanging in his cell — one man had reportedly used his socks and another the remnants of a blanket — Sapa.

Missing taximen are traced to SA jail

WILSON ZWANE (253)

TWO Zimbabweans, whose disappearance early last month triggered a row between SA taxi operators and Zimbabwean bus companies, have been located in a Johannesburg jail

Dozen Shumba and Jonathan Gwarai Makina are employees of a Zimbabwean bus company

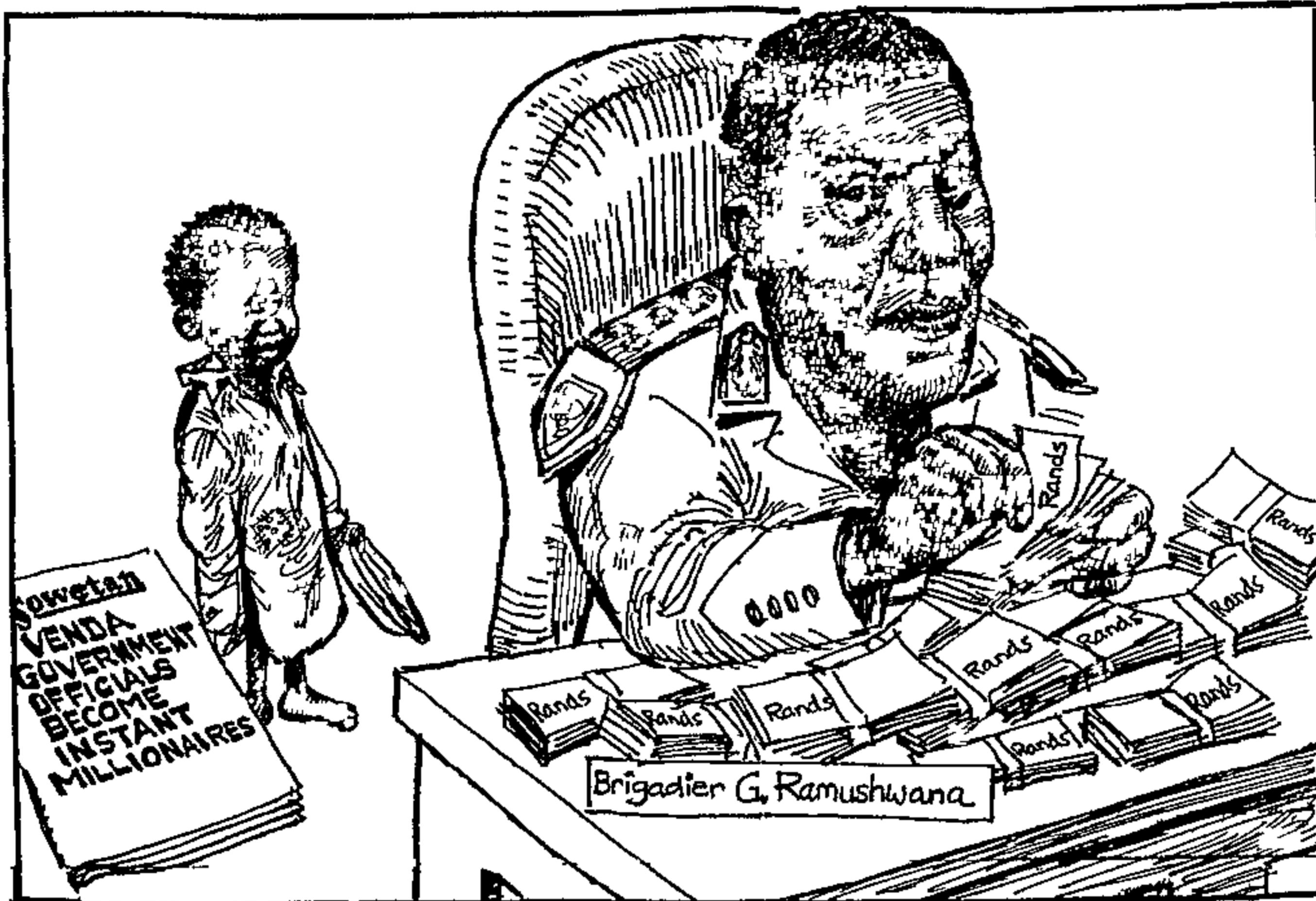
A Correctional Services spokesman said yesterday Shumba had been arrested in connection with maltreating animals and Makina with smuggling diamonds into SA. Both were awaiting trial.

The Zimbabweans claimed the men

were abducted by SA Long Distance Taxi Association members to keep Zimbabweans out of the lucrative transport market between the two countries. Zimbabwean Transport Organisation members had demanded their government cancel permits for SA taxis in Zimbabwe unless the men were found.

The loss of permits would have prevented SA taxis from ferrying thousands of fans to Harare for the first soccer international between the two countries on Saturday.

FOCUS Release of all political prisoners possible to get talks going



focus on **Africa**

A GENERAL amnesty is on the cards after a weekend of recommendations and commendations all of which were aimed primarily at resuscitating the dormant negotiations process in the country

The United Nations secretary-general, Mr Boutros Boutros-Ghali, late last week recommended that 30 peace observers be sent to South Africa, and that an inquiry, by the Goldstone Commission, be held into the various police, military and paramilitary forces in the country

In a report to the United Nations Security Council, based on the report of Mr Cyrus Vance, who recently completed a two-week study tour of South Africa, Boutros-Ghali said the observers should serve in various parts of the country and work closely with the National Peace Secretariat to support the National Peace Accord

Boutros Ghali also recommended that Government, as a matter of urgency appoint justices of the peace and establish special criminal courts in terms of the National Peace Accord

In response to the UN recommendation, Mr Justice Goldstone suggested that a general amnesty be considered to enable his Commission to investigate fully the activities of the SAP, SADF, the KwaZulu police as well as the military wings of the ANC and PAC

And in a conciliatory speech in East London at the weekend, the president of the ANC, Mr Nelson Mandela, lauded State President Mr FW de Klerk, and bolstered the notion of a general amnesty as a means of breaking the deadlock

"For an Afrikaans politician we must commend his courage, his vision and his foresight," Mandela said of De Klerk

The ANC leader also appealed to all South Africans to concentrate on building a future and to "let bygones be bygones"

Although tacitly, Mandela underscored Goldstone's remarks at the weekend that "unless the SADF and SAP are fully investigated by a neutral and reliable body, they will have little prospect of receiving the trust, confidence and co operation of the South African public" in future developments in the country

A flurry of meetings between the Government, the ANC and the State Security apparatus are expected this week to discuss and work out details of a possible indemnity

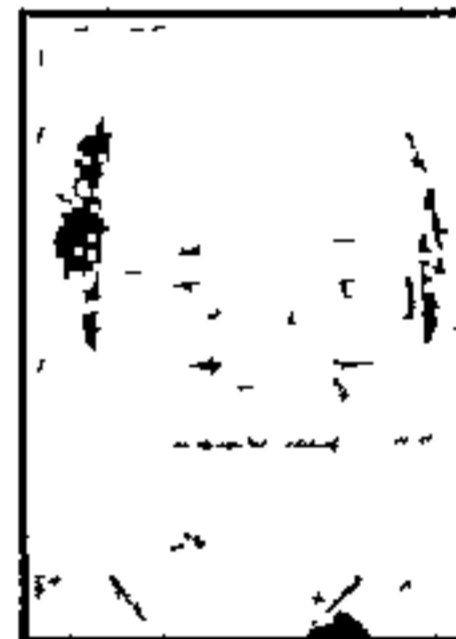
While the Government is understood not to be particularly enamoured by the idea of releasing all remaining political prisoners, it may be forced to do so as a quid pro quo for indemnity for its security apparatus, who over the years and months have come under fire consistently for alleged involvement in heinous acts of violence and for the alleged murder of Government opponents

A particular case in point is the recent allegation that the then deputy Minister of Law and

Indemnity suggested to cover liberation movements and security forces is on the cards and soon all political prisoners may be released to get talks going,

Sowetan political correspondent **Ismail Lagardien** looks at the implications:

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United Nations envoy Cyrus Vance reported to the UN on his visit to SA

Sowetan 11/8/92

Order, Mr Adnaan Vlok, partly to was part of the decision that led to the assassination of Mr Matthew Goniwe and his colleagues in 1985

The ANC is, however, not altogether happy with the unconditional granting of amnesty for the security forces

The ANC's Mr Mathews Phosa has recommended that the Government make use of the same legislation which indemnified the movement's members for indemnity

One of the conditions of the Indemnity Act is that those who apply for indemnity, have to state their offences, and offences not listed are then not covered by the indemnity

"They (Government) have been getting worried about all the uncontrolled disclosures - such as the Vlok affair Phosa said

While most parties supported, or in the least

registered the significance of the proposed investigation into all the security forces in the country, only the Inkatha Freedom Party responded in a guarded manner

Mr Walter Felgate, speaking on behalf of the IFP, said that the Goldstone Commission had "no real grounds for seeking such an inquiry (into the KwaZulu Police) but the KwaZulu government will not refuse to co-operate"

The inquiry, which in terms of the expressed ideals of Goldstone, would flow from a general amnesty and would be supported by the international community both in principle and actively

The UN secretary-general has recommended that the powers and scope of the Goldstone Commission be increased - with outside help if necessary

4 died in cells in past 3 days

JOHANNESBURG — Eight people have died in prison or in police custody since Johannesburg forensics pathologist Dr Jonathan Gluckman released 200 detainees' records and claimed policemen were responsible for 90% of the deaths

This means that an average of four people have died each week since Dr Gluckman went public 15 days ago.

Police and prison authorities reported that four of the eight deaths — three of them in the Eastern Cape — occurred in the past three days. Eastern Cape police have asked the head state pathologist to conduct post-mortems on the three who died there.

On Saturday night an awaiting-trial prisoner was found hanging in a single cell in the Carolina Prison, Eastern Transvaal. He had been arrested in connection with 27 burglaries.

In Port Elizabeth, two men died in police custody. Mr Grant McCusker, 22, arrested on suspicion of dealing in dagga and LSD, was found dead in the Humewood police cells on Saturday night. Alone in the cell, he was found hanging by the remnants of a blanket.

The second death occurred at Louis le Grange Square early yesterday. The man had been arrested for drunkenness on Sunday. The cell contained five other men.

Also yesterday, the body of Mr Danisile Daniel Stofile, 32, was found hanging by a pair of socks in his cell in the Molteno police station. He was arrested on Saturday night after a killing. — Sapa

Right-wing hunger striker

STAR 11/8/92

vows to fast until death (253)

By Monica Oosterbroek

Right-wing hunger striker Leonard Veenendal said yesterday he had not eaten for 54 days and would fast until death if the Government did not give him bail.

The Orde Boerevolk (OB) commander (26) was moved to H.F. Verwoerd Hospital in Pretoria two weeks ago.

OB leader Nic Strydom said Mr Veenendal was on death's door and he did not expect him to live much longer.

A Department of Correctional Services spokesman denied that Mr Veenendal was at

death's door or had refused to take liquids.

"We are not concerned about his health, which doctors describe as satisfactory. He is drinking water," the spokesman said.

Mr Veenendal and fellow OB prisoner Darryl Stopforth (24) were arrested in South Africa two years ago and face charges of murder, sabotage, arson, theft and illegal possession of weapons.

It is believed they attacked a United Nations office in Namibia in August 1989 and killed a security guard. They are also suspected of killing a policeman when they

escaped from Namibian custody.

The pair were granted bail in August last year but were detained again in April this year, pending extradition. Both claim they would rather die than face a Namibian court.

● Diepkloof prisoner Stephan van den Berg (29) has been on a hunger strike for 22 days and his condition is apparently deteriorating.

The former security company employee, sentenced to 10 years for his involvement in a hijacking, is protesting against the Department of Correctional Services and treatment of prisoners.

BILLY PADDOCK

CABINET and the ANC's national working committee are to consider a proposal emanating from bilateral talks on the release of prisoners which would address the issue of an amnesty. **BLDAM 12/8/92**

The proposal may result in the remaining political prisoners being freed and some form of amnesty for security forces and state officials. **(253)**

This, in turn, would pave the way for the first bilateral meeting to discuss constitutional negotiations since the ANC broke off talks after Codesa II. These talks could take place within the next two weeks.

The comprehensive package involves Umkhonto we Sizwe and could be broadened to take in the PAC's armed wing Apla

Proposal may pave way for amnesty

It includes amnesty for state organs on similar lines to the Indemnity Act

Cabinet meets today and is expected to give the nod to the plan, while the working committee will meet tomorrow

Sources on both sides said yesterday that if the proposal was accepted, it could serve to meet Judge Richard Goldstone's call for an amnesty for the SA Defence Force, the SA Police, the KwaZulu Police, MK and Apla. Full disclosure would help the commission get to the root of the violence

The proposal would facilitate reconciliation and meet the UN call for an efficient investigation of the security forces

Six named as custody inspectors

The Argus ⁽²⁵³⁾
Correspondent
and Ecna ARG 12/8/92

JOHANNESBURG —
The Minister of Law and
Order, Mr Hernus Kriel,
has announced the ap-
pointment of six inspec-
tors with wide powers to
visit people in police
custody

The inspectors will
have powers to visit,
without warning, any
police station or cell in
South Africa, where they
will determine whether
"all regulations and in-
structions pertaining to
persons in custody are
properly adhered to",
said Mr Kriel

Mr Kriel's statement
follows the death of
eight people in police
custody since patholo-
gist Dr Jonathan Gluck-
man claimed two weeks
ago that police had
killed prisoners in custo-
dy

Mr Kriel said the six
inspectors would report
directly to him and the
Commissioner of Police
and would be appointed
from the ranks of for-
mer magistrates

Earlier yesterday the
ANC issued a statement
demanding more details
on deaths in detention
and custody

● A 20-year-old man
has died in the Fort Gla-
morgan prison hospital,
East London, the Border
police liaison officer,
Colonel Christo Louw,
said

Cell deaths: Visits plan

253

AF
CT 12/18/92

Political Staff

LAW and Order Minister Mr. Hernus Kriel yesterday responded to mounting outrage over deaths in custody by announcing that inspectors would soon be appointed to visit, without warning, any police station or cell in the country. Initially six inspectors — drawn from the ranks of former magistrates and reporting directly to the minister and the police commissioner — would be appointed, but plans were being made to expand this "by community participation"

Candidates for the inspector posts were already being interviewed and they would take up their positions "as rapidly as possible", said Mr. Kriel.

"Their duties will include visit-

College of Medicine calls for independent inquiry

Staff Reporter

THE College of Medicine of South Africa has called for an independent investigation following allegations by pathologist Dr Jonathan Gluckman about the number of deaths of people in police custody. The president of the college, Professor John Terblanche, said Dr Gluckman's statements "have been of concern to all".

The college "holds the view that all such deaths must be thoroughly investigated".

ing, at unexpected hours, police cells to determine whether all regulations and instructions pertaining to persons in custody are properly adhered to. Inspectors would also interview people in custody.

Details about the "community participation" would be announced later.

The minister stressed that neither the government nor the SAP

would tolerate "any criminal or illegal conduct" by members of the force and said recent deaths were being investigated.

"I have today also received a report from the SAP on deaths in custody since January 1, 1991. I am at present studying this report and will in due course decide on what action must be taken," said Mr. Kriel.

The minister's announcement came on the day it was revealed that

eight people had died in custody during the past fortnight — since forensic pathologist Dr Jonathan Gluckman alleged that policemen were responsible for many of the deaths.

Both the ANC and Democratic Party yesterday expressed outrage at the deaths.

Govt move criticised

Jordan 13/8/92

253 ~~257~~

■ Magistrates to inspect prisons following deaths in custody:

OPPOSITION leaders yesterday dismissed the Government's appointment of six magistrates to inspect prisons and prisoners as window dressing

ANC spokesman Dr Pallo Jordan said the announcement fell short of bringing security force members implicated in deaths in custody, before the courts

Jordan said the Government had to make public the findings of investigations completed by the police on deaths in custody

"We want an undertaking that the Government will prosecute people found to have been responsible for the deaths in custody," he said

BRUTAL attacks by warders on inmates are alleged in letters by prisoners smuggled out of Pretoria Local Prison

Letters in *The Weekly Mail's* possession provide details of at least three assaults on prisoners in the last 12 months. In one incident a prisoner died four days after allegedly being beaten by two warders.

One of the letters, which were sent to the South African Prisoners Organisation for Human Rights, alleges that Frans Mabe died on June 2 this year after a savage assault by two prison warders in an argument over a cup of milk.

In the afternoon of May 27 Mabe complained that he had only received half a cup of milk instead of a full cup.

During an argument with a warder in the dining hall the guard used his "green colour arbitrary baton" to knock the cup of milk out of Mabe's hand, the letter states. "The milk poured (on) them both."

When a senior sergeant tried to get Mabe to sit down he refused, demanding the full cup of milk.

Two warders then "took him and harassed him out" of the dining hall, into the passage. According to the writer of the letter "the manner in which they took him out derived to me (sic) that they had a motive."

As the other prisoners left the dining hall they saw one of the warders strike Mabe on the head with a baton, the letter says.

It appeared Mabe "wanted to give a further explanation" but, according to the letter, both warders then beat him. He "dropped his small bucket containing his food and the food poured (over) them while they were busy assaulting him." Mabe was knocked off balance by the blows, and fell. The warders allegedly continued to beat him "all over his body" and he was "bleeding profusely" from the head before the senior sergeant intervened.

He was left lying in the passage until two prisoners took him back to his cell, the letter says.

A warder arrived and took him to the prison hospital. "After receiving treatment he came back to the cell", the letter writer states, and was not admitted to the hospital.

On May 29 he was admitted to the hospital and died four days later, on June 2.

Responding to the allegations, the Department of Correctional Services said Mabe had thrown a bowl of food at the warder, who "hit him with a baton".

Two 3,5cm cuts on his head were stitched at the prison hospital. "When his wounds were being stitched he suffered an epileptic seizure" and was admitted to hospital, according to the correctional services' statement.

Prison letters allege beatings

W/Mail 14/8-20/8/92
Serious allegations of beatings by warders have been made in letters smuggled out of a prison.

By **GRANT KRAY** 253

Mabe suffered repeated epileptic fits in the next four days and the cause of death, according to the post mortem, was "not unassociable with asphyxia".

The South African Police are investigating a charge of assault, according to the department. However, the two warders concerned have not yet been suspended.

Several other assaults are reported in the letters.

●On May 31 another prison-

er was assaulted in the dining hall "for no apparent reason", according to a letter from an inmate. The Department of Correctional Services says it is still "awaiting the attorney general's decision" as to whether the warder would be prosecuted.

●On September 29 last year

a prisoner was allegedly assaulted in his cell by a warder with a baton. However, according to the correctional services the prisoner "does not wish to lay any charges".

Other letters from prisoners outline more incidents of assault and medical negligence. One case concerns a prisoner

receiving psychiatric treatment, Michael Baloyi, who hanged himself in an isolation cell at Pretoria Local Prison in May this year.

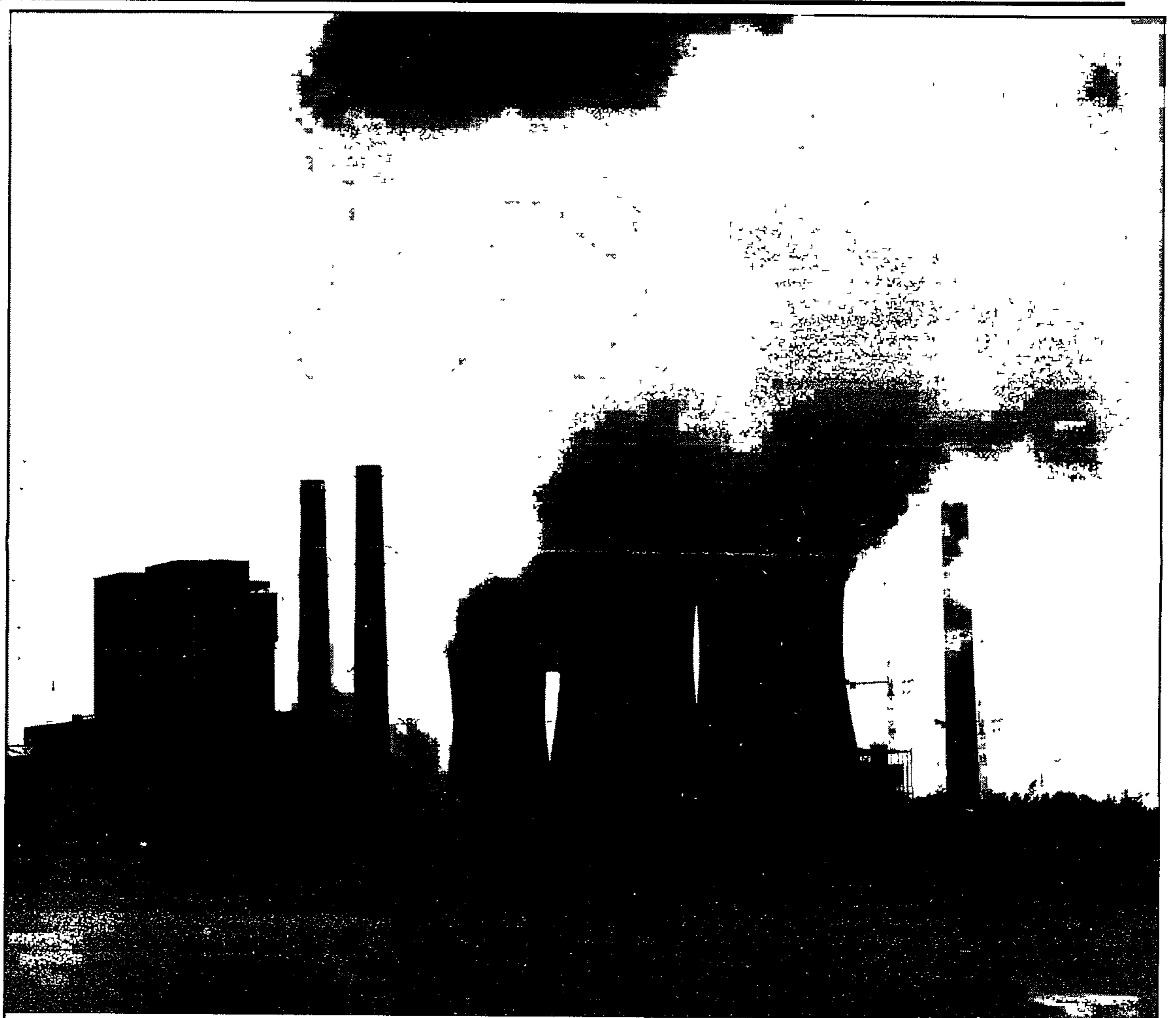
The day before Baloyi's death four inmates handed a report to a senior warder describing how Baloyi was planning to hang himself due to the poor treatment he had received in prison.

Despite these warnings — and the fact that he was mentally unstable — Baloyi was "kept

lonely" in an isolation cell and was found dead on the morning of May 20, a letter states.

According to one of the letters, all four inmates have since been transferred to other prisons, one as far as Walvis Bay.

In reply to the allegations, the Department of Correctional Services said although the results of the inquest were not yet known, a departmental investigation at the prison found that there was minor negligence on the part of the medical officer and "suitable steps have been taken against him".



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— TALK AT NINE | JUNE 1992

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REAL LIFE RADIO

By PAUL TAYLOR: Evaton

ON my sixth day as a foreign correspondent, somebody tried to kill me

My rude initiation into this line of work came last week as I was driving with some South African journalists through the townships south of Johannesburg to cover the biggest general strike in this nation's history

I was on a side mission as well to cadge as many tips as I could about how a white reporter who had just landed in this beautiful, damned and violent country should do business in risky terrain

It turns out I got the lesson — and the gift — of my life

As our car came to a stop at an intersection near Evaton, south of Johannesburg, it was cut off by another car full of *tsotsis* — hooligans who prey on township residents.

Four young black men leaped out of the car, hauled us out of ours, and demanded our keys and money. I could see that at least one had a gun. We explained we were journalists and made it abundantly clear

It's so nice to be alive

after a week in SA

August 14/8 - 20/8/92.



American journalist Paul Taylor had just arrived in SA when he hitched a ride with the Weekly Mail's Phillip van Niekerk ... a ride that ended when both were shot by car hi-jackers. Here's how Taylor described the incident to his US readers ...

that under the circumstances we were eager to oblige. The *tsotsis* who yanked me from the passenger side seemed reasonable enough, so before I handed him my money, I began the formality of showing him my press card. I wanted him to know I wasn't a cop or some other agent of the state

But I never finished the trans-

action. On the other side of the car, a much rougher set of *tsotsis* had hauled out the driver, Phillip van Niekerk, who is political editor of *The Weekly Mail*, South Africa's leading investigative paper

One clubbed him over the head; another ripped off his jacket. One shouted "Get out of the townships, you white

(expletive)" Then he shot Phillip in the head

The gunfire distracted my *tsotsis*, which gave me a chance to walk around the car and try to help Phillip, whose face was covered with blood. I got to within five metres of Phillip and the gunman. He looked up at me; I at him. Nothing was said. The only thing I remember

of his face was the anger I also remember thinking "Stay cool. Don't provoke. Either he's going to shoot or he isn't. You'll find out soon enough." Then I felt an enormous punch inside my chest

Was it Winston Churchill who said, "Nothing in life is so exhilarating as to be shot at without result?" He sure got that right

The 9mm bullet bore a hole through the humerus bone in my left shoulder — without breaking it, smashed a rib in my back, then ricocheted harmlessly toward my breastbone — without breaking it — rather than my heart or lungs. Everything the bullet did to my body, nature is going to undo

Phillip's luck was even more miraculous. He had been shot at point-blank range. The bullet entered his head just behind the right ear and exited just in front of his left ear. Astoundingly, it managed to miss both his spine and the artery to his brain.

In the seconds after the shooting, there was one more dangerous moment to come — far more dangerous, I've since learned, than I realised at the time. Here we were, a couple of white guys, lying bleeding in the middle of a suddenly deserted intersection in the middle of a black township in the middle of a region seething with suspicion and hatred.

This is a corner of the globe where life sometimes seems scandalously cheap, where blacks get axed, speared, machine-gunned and "necklaced" to death — almost always by other blacks — for the sin of commuting to work, or attending a funeral, or having some money, or not taking part in a rent strike

And it is an area in which white skin usually connotes cop, which in turn connotes repression, torture, terror, massacre — to say nothing

of three centuries of unpleasant history. Was anybody in this inner ring of hell going to help?

Once it was clear the shooting had stopped, a crowd began to gather — not, it seemed, a friendly crowd. Phillip was screaming, "My God, I'm going to bleed to death. Somebody help!"

The first wave of onlookers took a puzzled look at us and walked away. I still had my wallet in my hand — in the confusion, the *tsotsis* had failed to take it — and once again began explaining I was a journalist from the United States, here to cover the strike.

I wound up showing my press card to someone who I learned afterward was Felix Gabanakgosi, a computer technician. He phoned me at the hospital later and inquired about my condition. Then he explained he had been drinking at a local tavern when he heard the shots

"When I got outside, there were some in the crowd who were saying, 'Let's just finish them off,'" Gabanakgosi said. "But I told the people, look, they're human beings. At first I was afraid they might burn my house for saying this, but the crowd turned very quickly."

Once everyone was on our side, the crowd commanded

Police arrest four suspects

FOUR men have been charged with attempted murder and armed robbery in connection with the shooting of two journalists in Evaton last week.

The South African Police arrested the four on Monday after spotting them in the journalists' hired car.

The suspects are Simon Setbetho, 23, Alfred Matapane, 19, and Simon Domo, 18 — all of Evaton — and Emoch Molloane, 23, of Sebokeng.

the next car that came by and helped us into the back seat

The episode has naturally been chilling for journalists here. In years past, when journalists worried about their personal safety in South Africa, the focus of their concern was the police and the security forces. The townships tended to regard our kind as allies, because we were exposing the horrors of apartheid

But the townships have gotten more dicey, more ambiguous in the transition to democracy. Some of the young black men who became militant during the anti-apartheid struggle — those who boycotted school when the slogan was "liberation before education" — have grown up to become *tsotsis*, preying mostly on township residents

Others blend activism with hooliganism, using their automatic weapons to enforce boycotts by day and to relieve people of their wallets by night

While Phillip and I were in the hospital, we each got a visit from Nelson Mandela, who warmly offered his sympathies and emphatically made the point that the African National Congress does not condone attacks on journalists

But the scary thing about the attack on us wasn't that it was political, it was that it wasn't

political. In all the years of the anti-apartheid struggle, only one journalist in South Africa lost his life covering the story. Now, when some 80 people are being killed every week in the townships, everyone who lives there, or has a job that takes him or

her there, is frightened. Journalists included

I also had a visit in the hospital from a police captain named Van Wyk. As he settled into the chair next to my bed, he asked "Tell me, Mr Taylor, I have just one question for you. What do you think of the townships now?"

I chose to play dumb. "Are you asking me for a statement?"

"No, Mr Taylor. I am asking you what you think of the townships now?"

"I think they're pretty dangerous places."

"Yes, Mr Taylor," Van Wyk said, with four centuries of Afrikaner defiance surging through his ample frame. "Pretty dangerous places."

That they are. But they are also places where the Felix Gabanakgosis of this world live. That's the lesson I learned the first week on the job, the one for which I am eternally grateful, the one that provides hope that this haunted nation might yet find its way to a better tomorrow — The Washington Post

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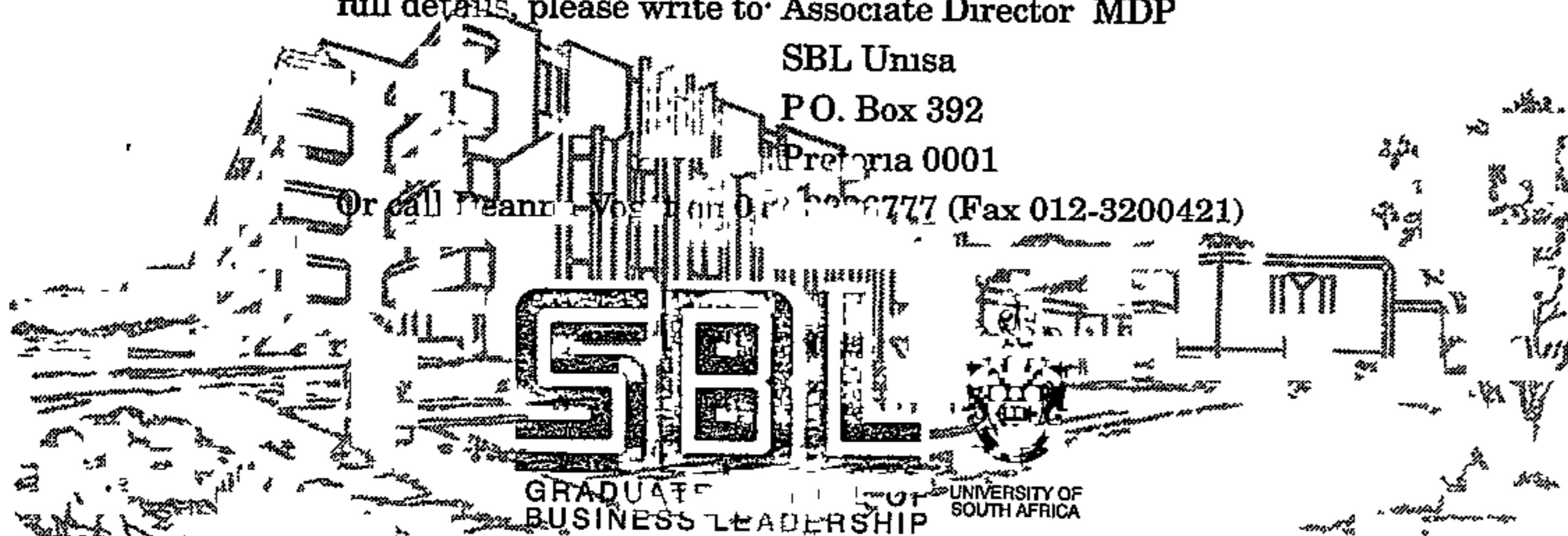
The MDP traditionally follows a mid-year calendar and will continue to do so. However the new, additional commencement date, 1 December, acknowledges a need among prospective participants for a programme that spans a calendar year. The programme ends in October.

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Four cops suspended

253 CT. 14/8/92

BLOEMFONTEIN — Four policemen were suspended from duty yesterday, pending an investigation into the death of detainee Mr Abel Montoedi last week.

The policemen are members of the Section for Visible Policing at Vrededorp.

Mr Montoedi was found dead in his cell "during a routine visit" at 1.30am on August 6.

Brigadier Bart Vosloo, Deputy Regional Police Commissioner in the Free State, said the chief state pa-

thologist had informed police of his post-mortem findings.

A private pathologist, appointed by Mr Montoedi's family, had been present at the post-mortem.

When the police investigation had been completed the dossier would be handed to the attorney-general

In Pretoria, Law and Order spokesman Captain Craig Kotze said yesterday that the appointment of six retired magistrates to inspect detentions was an initial step taken to curb deaths in custody. — Sapa

crack of dawn



Woman finds mum raped

Staff Reporter

A CITY woman arrived at her parents' Pinelands home to find her mother had been raped and her

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Jail for MK members, govt warns

(253) CT 15/8/92

THE government yesterday warned that the ANC's summary rejection of a package deal on political prisoners and a general amnesty could result in certain uMkonto weSizwe members being jailed for up to 25 years

"If this were to happen, the ANC would have only themselves to blame," Justice Minister Mr Kobie Coetsee said in a hard-hitting rebuttal to ANC claims of government bad faith on the release of political prisoners

Mr Coetsee and Constitutional Affairs Minister Mr Roelf Meyer last night lashed out at the ANC for breaking off all further talks with the government, arguing that the government's amnesty proposals were "much more advantageous for the ANC than for anyone else"

In toughly-worded responses to the ANC ban on further contacts, the ministers vowed the government would not buckle to the ANC's mass action demands and

blamed the latest breakdown in negotiations on "internal strife and discontent" in the ANC

In a separate statement, Mr Meyer disputed several claims made by the ANC about last weekend's meeting which was offered as a major reason for breaking off talks with the government

The discussions had been "exceptionally constructive" — as opposed to "fruitless"

'Political' list — half in jail for murder

253 CT 15/8/92

Political Staff

MORE than half of the 353 political prisoners identified by the Human Rights Commission are serving sentences for murder — and the ANC has not yet submitted its list of 450 names of alleged political prisoners to the government

The HRC list, with which a Department of Justice spokesman, Mr Nic Grobler, said yes-

terday the ANC had associated itself, contains the names of Dieter Gerhardt, who is serving a life sentence for treason, and Robert McBride, who is serving a life sentence for terrorism and murder

It does not, however, include right-winger Barend Strydom, who is serving a life sentence for murder

Mr Grobler added "At Justice, we have not received a list

of 450 prisoners from the ANC"

The HRC list contains the names of 141 "audited" prisoners, those identified by both the HRC and the Department of Correctional Services, and 212 prisoners who are still to be "audited"

The audited list contains one security prisoner, 43 security-related prisoners and 97 unrest prisoners

In the combined audited and unaudited lists, there are 197 people serving sentences for murder, five for terrorism, two for treason, one for furthering the aims of a banned organisation and 69 for political violence.

The HRC list also contains the names of 24 prisoners in the "independent" homelands — five in Bophuthatswana, six in Transkei and 13 in Ciskei

Johannesburg
PH HOGG

Man on fast ²⁵³ losing vision AK-4 from

RIGHT-WING hunger striker Leonard Veenendaal received vitamin A injections this week to try to save his deteriorating eyesight *Silmes*

This is on the 60th day of his fast under armed guard in Pretoria's HF Verwoerd Hospital.

Mr Veenendaal, 26, an Orde Boerevolk commandant, is wanted in Namibia in connection with the death of an Untag guard and a policeman in 1989. *16/8/92*

He was recently denied bail and is awaiting the outcome of an appeal against a ruling by a Pretoria magistrate that he should be extradited to Namibia.

A prison spokesman confirmed Veenendaal had received the injections and said his condition was "satisfactory".

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Cash plea to All Blacks

Cell death man was suing Law Minister

STIMES 16/8/92
A MAN found dead in a Free State police cell last week after an alleged assault by his jailers was suing the Minister of Law and Order for an earlier assault, allegedly carried out last January

The trial date had been set for November — but Mr Abel Montoeli, who a witness claimed had vomited blood after being kicked at the Vredefort police station, died last Thursday from a brain haemorrhage caused by head injuries.

By KURT SWART

Four policemen were suspended from duty this week pending an investigation into the incident

This was the first disciplinary action taken against policemen since pathologist Dr Jonathan Gluckman opened his files last month and claimed that hundreds of deaths in detention were the result of police assaults

At the request of Mr Montoeli's lawyers, Dr Gluckman assisted the chief pathologist in the Free State at the post mortem on Wednesday

Injury

The family's legal representative, Miss Anne-Marie de Kok, said this week. "I have not received the final report from Dr Gluckman but the post mortem showed that Mr Montoeli died as a result of a massive subdural haemorrhage"

According to the police, Mr Montoeli was found dead in his cell in Vredefort, near Parys, during a routine visit at 1.30am on August 6. He had been arrested the previous afternoon in connection with the theft of a firearm from a municipal policeman

"We arranged for Dr Gluckman to attend the post mortem at the request of the family," said Miss De Kok.

"We'll be putting pressure on the police to investigate, to prosecute and if there are no grounds for immediate prosecution, to institute an inquest as soon as possible"

Free State deputy regional commissioner Brigadier Bart Vosloo said when the investigation was completed the dossier would be forwarded to the attorney-general

According to Miss De Kok, Mr Montoeli had allegedly been "badly assaulted" in custody 18 months ago, along with Mr Samson Marumo

Mr Montoeli alleged that he was beaten and kicked in the Parys police station

and shocked repeatedly with electric wires

A report submitted by Dr Roderick Carter showed that the injuries noted by Dr JM Mahlare, who first examined Mr Montoeli, was "entirely consistent with Mr Montoeli's account of the alleged assault"

"Abel approached us at the beginning of last year, and we instituted a civil action for him and Mr Marumo in the Parys magistrate's court last July for R20 000 damages. The trial date was set for November 19," said Miss De Kok

According to information received by the lawyers, Mr Montoeli was a chief marshal in two marches in Vredefort last week

The marches were peaceful, but witnesses said police noted the names of some marchers, including Mr Montoeli's

At about 8pm on Wednesday, he and Mr Christian Maklatle were arrested by four policemen and taken to Vredefort police station

Assault

According to Mr Maklatle's statement, policemen hit and kicked Mr Montoeli after the two men were taken to the police station

Mr Montoeli was placed in a room for about an hour and Mr Maklatle heard him screaming. When Mr Montoeli was removed from the room he was unable to walk or speak and was carried to a cell

● Reacting to the SAP's announcement that six retired magistrates were to be appointed to carry out ad hoc inspections in an attempt to reduce the number of deaths in detention, Dr Gluckman said

"There should be no deaths in custody, never mind a minimum

"What is needed is a judicial inquiry under the aegis of our supreme court judges who enjoy the confidence of all our peoples," said Dr Gluckman

Wipe slate clean, says Vance

By EDYTH BULBRING
Political Correspondent

THE government has come under strong pressure from UN special representative Cyrus Vance to release all remaining political prisoners *S Times*
Top UN sources say Mr Vance was "horrified" after being told by ANC international head Thabo Mbeki on Tuesday that negotiations about the release of prisoners had ground to a halt. 16/8/92

He summoned the South African ambassador to the UN, Mr Jim Stewart, on Wednesday and told him it was absolutely vital to "wipe the slate clean" *(S)*

He is said to have told Mr Stewart that by this he meant the ANC should put forward the names of its alleged 400 political prisoners *(S)*

(S) Caches

In return the government would submit its list containing a dozen or more names. The two lists should then be "cancelled out" and all the prisoners freed.

When Mr Stewart put it to Mr Vance that the government wanted to deal with the question of a general amnesty and matters such as arms caches and continued recruitment by Umkhonto we Sizwe at the same time, UN officials insisted that the release of political prisoners could initially be dealt with on its own.

Mr Stewart, it is understood, was asked to convey this message to Foreign Minister Pik Botha, who would pass it on to President FW de Klerk.

UN officials asked that the government come to a decision on the release of prisoners and make it public before the UN Security Council meets tomorrow.

The release of political prisoners is a key recommendation in UN Secretary-General Boutros Boutros-Ghali's report on South Africa

The report, which has already received the backing of the United States, Britain and Russia, will be discussed at the Security Council tomorrow

Afford

Foreign Affairs deputy director-general Jeremy Shearer said yesterday that the government, in its response to Mr Vance, had said negotiations on the release of political prisoners were continuing and it would be incorrect to say that there was no movement on the issue.

At his meeting with Mr Vance, Mr Mbeki also lobbied for the UN to send more than 30 officials to monitor violence in South Africa. This was the figure proposed by Mr Boutros-Ghali despite the ANC's call for 400 monitors.

It is expected that the number of monitors will be increased to 50 when the Security Council debates the matter tomorrow.

The breakdown in talks on the release of political prisoners has scotched any hopes of a swift return to constitutional negotiations.

The ANC has instructed its negotiations team

□ To Page 2

S Times 16/8/92 Vance 'horrified'

□ From Page 1 *(S)* demands and the ball was now in the ANC's court, a top cabinet source said yesterday. *(S)* *(253)*

It had disbanded 32 Battalion and had involved the international community in the Boipatong massacre inquiry. It had also committed itself to an elected constituent assembly and an interim government.

It had gone as far as it could in meeting the ANC's

to have no further meetings with the government until the government has addressed its 14 demands

The government is adamant it will not allow negotiations to be held hostage to demands and ultimatums

It had gone as far as it could in meeting the ANC's

Impasse not over yet - ANC

■ **PRESSURE ON** No talks unless 14 demands

are met immediately:

(14) (253) (20)

By **Ismail Lagardien**
Political Correspondent

Sowetan
17/8/92

THE POLITICAL IMPASSE since the collapse of Codesa 2 three months ago is not over yet, the ANC has said. Unless the Government moves substantially on the ANC's 14 demands of June 23, and releases all political prisoners forthwith, there will be no meetings between the two, the movement said.

It also understood that the United Nations special envoy, Mr Cyrus Vance, has piled on the pressure for the Government to move on the release of political prisoners.

The ANC yesterday confirmed that a single channel - between Mr Cyril Ramaphosa and Constitutional Development Minister Mr Roelf Meyer - has been established for the Government to respond to the 14 demands only.

Mr Carl Niehaus of the ANC yesterday in-

sisted "This channel was not opened for any negotiations, only for Government to respond to the 14 demands."

The ANC and Vance have expressed their "horror" after Justice Minister Kobie Coetsee has apparently backed off from an undertaking to release the remaining political prisoners, and his coupling of the release with a general amnesty.

This "sudden" call for a general amnesty, the ANC believes, was inspired by "the almost daily revelations of State complicity in violence and about the role of State officials in serious human rights' violations and abuse of power which resulted in crime and in some instances murder."

Meanwhile, the UN Security Council will today discuss the report of its secretary-general Mr Boutros Boutros-Ghali, which calls for, among other things, the release of all political prisoners. The report has the backing of most of the major seats in the UN security council.

ANC quit talks over 'breach on prisoners'

BILLY PADDOCK

(253)

GOVERNMENT's failure to abide by existing agreements with the ANC on the release of prisoners was the main reason the organisation severed all talks, last week, ANC sources said yesterday

A senior government source agreed, saying "The prisoners thing is what upset the other side" Otherwise, he said, last Sunday's meeting had been "very good"

ANC spokesman Gill Marcus said the amnesty issue was the preserve of an interim government of national unity

She said the ANC's mass action campaign was not intended to overthrow government through insurrection

"We are considering further mass action to get government to move further on our demands, which include a negotiated interim government Once that interim government is in place then the present government no longer rules," she said

The ANC's decision last week to terminate talks even about prisoners ended the brief spell of conciliatory speeches by ANC president Nelson Mandela and President F W de Klerk

610AM 18/8/92
Yesterday Mandela, speaking at the Peninsula Technikon in Cape Town, repeated his charge that De Klerk was involved in violence.

He said between 1984 and August 1990, 6 000 people had been killed with axes, assagais, pangas and knobkerries. Yet that same August the law had been changed to make it legal to carry these weapons in the Transvaal

Mandela said De Klerk had had no answer when challenged on this, and he thus concluded that De Klerk wanted to give the killers the capacity to kill

The ANC again issued a statement yesterday claiming that senior government officials' sudden promotion of a general amnesty "clearly relates to accumulating evidence of senior ministerial and security force involvement in assassinations and violence"

"If a general amnesty simply sweeps all

□ To Page 2

Prisoners

610AM 18/8/92

(253)

□ From Page 1

the misdeeds under the carpet, the clamour for justice will only increase from all those who have been harmed The truth has to be revealed, and the judicial process completed, to help ensure a democratic future for SA"

The question of political prisoners could not be muddied with the amnesty issue because the Groote Schuur and Pretoria Minutes laid down the procedure for dealing with politically motivated activities

The ANC said that what government wanted was full indemnity for hit squads,

operatives of the State Security Council, perpetrators of torture, killings and assassinations, for undisclosed acts and for unidentified persons

To absolve, through general amnesty, the military or police of capital crimes, torture or ill-treatment placed security force members above the law

The ANC approved of indemnity being granted to those prepared to give information to provide an understanding of the past and to help end the violence.

● Picture: Page 3

ET 18/8/92
SA lawyers
'disturbed' 253

PRETORIA — Lawyers are disturbed by the apparent support of participants at Codesa for detention without trial in states of emergency.

So says the editorial in the South African attorneys' journal, De Rebus.

It says detention without trial, which lawyers have long opposed, is not compatible with the rule of law.

"We have often expressed our pleasure at the stated commitment of the government and its main negotiating partners to a bill of rights. The agreement about detention without trial during states of emergency is puzzling in the light of that commitment," it says. — Sapa

Veenendal in hospital

(253) CT 19/8/92

JOHANNESBURG. — Right-wing hunger striker Leonard Veenendal, 26, is in a satisfactory condition after allegedly refusing food for 61 days, a Correctional Services spokesman said yesterday.

He said Veenendal is under intensive observation in Pretoria's HF Verwoerd Hospital and is taking fluids.

Medical reports say his condition is under control.

Veenendal and another member of the Orde Boerevolk, Daryl Stopforth, have been in detention since April pending possible extradition to Namibia, where they are wanted for trial on charges of murder, sabotage and the illegal possession of firearms and handgrenades. — Sapa

**'Aids link'
in death
of MK man**

(253)
PORT ELIZABETH. — Police have confirmed the death in detention on Monday of uMkhonto weSizwe operative Mr Mandla Wulana, saying he died of an Aids-related liver condition.

Eastern Cape regional Police Commissioner Major-General Koos Calitz confirmed yesterday that a post-mortem will be held within the next two days and that a private pathologist will be allowed to attend.

Police said Mr Wulana was arrested here on July 9 during an attempted, armed robbery. He was charged, among other things, with being in possession of an AK-47 rifle, and was also positively linked to an armed robbery here on June 16 — Sapa

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'Amnesty mustn't block the truth'

SOUTH 22/8-26/8/92

By Zubeida Jaffer

253

AS THE net closes on the killers of activist Matthew Goniwe, calls for a general amnesty to cover all forms of past wrong-doing in South Africa are ringing out loudly

Ironically, they come at a time when the August report of the world's most reputed human rights organisation, Amnesty International, warns strongly of the dangers of a general amnesty

The organisation says amnesty laws which prevent the emergence of truth and accountability before the law are not acceptable.

In a number of African and Latin American countries, governments have granted former government and security officials immunity from prosecution in order to speed up political settlements.

Professor of Human Rights Law at the University of the Western Cape, Professor Kader Asmal, says a distinction must be made between arrangements for advancing negotiations and for dealing with the past

He says absolving the South African military or police of capital crimes, torture and ill-treatment through a general amnesty law would place them above the law, exempting them from punishment for what would ordinarily be crimes

"The Goldstone Commission or any other agency does not require the introduction of an amnesty to investigate the past or present activities of the South African Defence Force, the South African Police or any regular or irregular military or police force in South Africa. These are two distinct and different activities," Asmal says

He believes it would be a tragic error of judgment if the issue of political prisoners became muddled with the amnesty issue

Prisoners

Recent press reports suggested the United Nations' secretary-general's representative, Mr Cyrus Vance, has linked the release of remaining political prisoners to the declaration of a general amnesty

Closer examination of the report presented to the Security Council shows no such inference has been made and that Vance in fact called for the expeditious resolution of the problem of political prisoners

"Surely the position of the remaining political prisoners cannot be the subject of fresh negotiations when the matter was agreed to in both the Groote Schuur and Pretoria Minutes?" said Asmal

He argues there is a total lack of symmetry in the efforts of the South African government to declare a general amnesty

"While Umkhonto weSizwe combatants, leaders and prisoners have either served long sentences or sought individual indemnities for previous acts or immunity from prosecution, what is sought for hit squads, operatives of the State Security Council, perpetrators of torture, killings and assassinations is a blanket amnesty for undisclosed acts and for unidentified persons," he says

In countries where general amnesties were declared, ordinary citizens have taken it upon themselves to find ways to challenge and lay bare past crimes



Kader Asmal

Shortly after Brazilian President Figueiredo declared a general amnesty in 1979, a few citizens closely connected to the church decided to ensure that their country would never revert to earlier atrocities

Over a five-year period they secretly copied every file in the military archives. They later published horrific records of systematic torture, laying bare to the public the truth of the awful period their country had lived through

It cannot also be assumed that the declaration of a general amnesty will bring to an end covert activities in South Africa

British journalist Dr Joseph Hanlon points out in "Beggar Your Neighbours," his account of South Africa's destabilisation of Southern Africa, that the March 1984 Nkomati Accord did not end covert activity in the region

The Mozambicans, he writes, expelled the ANC and ended guerrilla access to Mozambique. In return, South Africa shut down the radio station of right-wing rebels Renamo

Far from bringing peace, Nkomati brought an escalation of the war, says Hanlon

Based on studies of human rights violations in 142 countries, Amnesty International has outlined three steps to be taken by governments willing to put an end to human rights violations

Human rights

- There should be thorough investigations into allegations of human rights violations to determine individual and collective responsibility and to provide a full account of the truth to the victims, their relatives and society. Investigations must be undertaken by impartial institutions, independent of the security forces

- Those responsible should be tried and their trials should conclude with a clear verdict of guilty or innocent

- The interests of national reconciliation after a period of violence may be served by pardons after conviction as long as the truth is revealed and the judicial process completed

Despite adoption of human rights declarations in many countries, the report said governments continue to turn a blind eye to gross human rights violations. The phenomenon of impunity — exemption from punishment — fuels this recurring

AIA

Two men die in police custody 23

PRETORIA. — A 25-year-old man died in custody at Witbank police station yesterday, according to a statement from the SAP's public relations office

Major Schalk Pienaar said the man, whose name and address were unknown, died about 3am.

Major Pienaar said the man was taken by police on Saturday from a

farm in the Witbank district, in the Eastern Transvaal, after he was arrested by farm workers for alleged stock theft and house-breaking.

On Friday a 30-year-old man was found hanging from his cell window at Blinkpan police station.

Major Pienaar said Mr Joseph Mpheteng, of Van Dyksdrif mine,

was arrested at 1.15pm on Friday on charges of rape and theft. At 11.50pm on Friday, he was found hanging from his cell window.

Mr Mpheteng, who was alone in the cell, had tied his underpants, a sock and shoelaces together to hang himself, Major Pienaar said

Police were investigating the circumstances surrounding both deaths, he said. — Sapa

CT 24/8/92

**Cell death (23)
victim named**

WITBANK. — The 20-year-old man who died in detention at the Witbank police station at the weekend has been identified as Mr Kekeletso Samuel Matenjwa

● Meanwhile Lawyers for Human Rights national director Dr Ahmed C. Motala said yesterday Justice Minister Mr Kobie Coetsee had given an undertaking that certain inquests into deaths in police custody would be held before a Supreme Court judge — Sapa

CT 25/10/92

Hunger striker halts appeal

PRETORIA — Right-wing hunger striker Leonard Veenendal has withdrawn his notice of appeal, the Ministry of Justice said yesterday.

Veenendal and Darryl Stopforth are being held in connection with an extradition request by Namibia to face charges of murder.

The Department of Correctional Services yesterday denied a claim that nine ANC detainees were fasting in support of Veenendal.

Sapa (25) 25/8/92

Fasting Veenendal's condition deteriorates

By Philip Zoio

253

The condition of hunger-striking rightwinger Leonard Veenendal has worsened over the last few days, Orde Boerevolk leader Nic Strydom said yesterday.

According to the Department of Correctional Services, Mr Veenendal, OB chief-of-staff, has been fasting for 67 days.

He was suffering "blank" spells and required oxygen at times, Mr Strydom said.

A department spokesman said Mr Veenendal's condition had deteriorated from "satisfactory" to "less satisfactory."

The department, which also expressed concern about the "possible detrimental effects of the hunger strike" on Mr Veenendal, yesterday refused an application by The Star to visit the rightwinger at H.F. Verwoerd Hospital.

"It is not our intention to allow interviews with identified prisoners," said the department's public relations head, Brigadier Erica van Zyl.

Mr Veenendal has said he would fast to death unless Minister of Justice Kobie Coetsee blocked his extradition to Namibia for trial on charges relating to a 1989 attack on a UN base. Mr Strydom said he was confident the minister would decide in favour of Mr Veenendal.

A Department of Justice spokesman said he could give no indication of when a decision could be expected.

Policeman kills 8 before shooting himself

Slughter at dawn

By Peter Wellman

STAR 26/8/92

GOEDEMOED — A police constable turned Goedemoed Prison Farm on the banks of the Orange River into a slaughterhouse yesterday morning when he shot eight people dead, and then shot himself through the head (253)

In a two-hour drama at daybreak, he shot up two police homes and the police station at the Free State prison, committing suicide when he was trapped in the charge office

The policeman, identified as Constable LS Hasebeng, was under investigation for allegedly raping a colleague's daughter. A policeman, his wife and three daughters, one aged four, were killed in the dawn shooting spree

A fourth daughter, aged eight, was injured

Four other people were wounded in the more than hour-long attack. They are all in a stable condition in the intensive care unit at the Hydromed Hospital in Bloemfontein.

The wounded were named as Constable T L Musi, Captain Bettie van Wyk, Police Assistant P C Ramarumo, Police Assistant V R Tyu, and Tobeka Dumayi

One of the victims was named as prison police station commander Warrant Officer Chris Schutte

Regional police spokesman Lieutenant-Colonel Johann Fouche said the names of the seven other people shot dead would be released as soon as their next of kin had been informed

The hero in the blood letting was police Sergeant Kobus Kruger (22), whose wife Ria (20) heard her husband being shot at a few metres away at the police station

Sergeant Kruger said last night that he had been awakened at 5 am by a policeman who had been shot in the shoulder and who raised the alarm at Sergeant Kruger's house

"The constable told me he and two colleagues had been shot by a policeman and I went there immediately

"I called Captain Janmie Swanepoel, a medical officer, who brought an ambulance and asked a colleague, Bettie van Wyk, to come and assist him

"While we were there we heard shots at the police liv-

● To Page 3 ■

Policeman kills 8 in massacre at prison farm

From Page 1 (253) STAR 26/8/92

A girl of about six lay dead with a chest wound. A man and a wife had been shot dead.

"There was nothing I could do for the victims so I moved on to the next house, one of the single quarters, where I found several beds soaked in blood. This is where the man who raised the alarm and his two colleagues had been shot. But there was also another body there — an assistant constable

"I gather from the survivors that the berserk killer had woken people and shot them straight through the chest

"I then heard shots at the police station and drove back there with the warders. The station commander, Warrant Officer Chris Schutte, lay dead near the ambulance.

"Next to him lay Captain Bettie van Wyk, wounded in the neck, chest, arm and leg — but still alive"

Sergeant Kruger then stalked his man at the police station

As he and Colonel Gawire le Roux of the prison staff moved down an outside passage, the gunmen opened up from a few metres away

Sergeant Kruger said "He fired four shots at me and ran towards me

"I shot him in the leg and twice in the arm and

he dropped the pistol

"He pulled another pistol out of his belt, fired one shot and ran around the corner behind the police station. I then heard him enter it, and he fired outside at a corner of wardens' who had surrounded the place

"Finally, there was a dull shot and I heard a body falling. Colonel le Roux called me to the charge office where the man lay dead, the pistol still in his hand"

Warders gave Sergeant Kruger cover as he entered the first house, and stumbled on a child who had been shot dead.

"I found two women shot dead on their beds. One had been cradling a baby which was crying and was unhurt

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Inmate found with throat cut

STAR 26/8/92
A 32-year-old Bophuthatswana prisoner was found dead, with his throat cut, in his cell on Monday night

The homeland's Commissioner of Prisons, Major-General Cas Delport, said yesterday that the prisoner was serving a three-month sentence,

(253)
at the Odi Prison in Mabopane, for theft ~~104~~

The prisoner's name is being withheld.

General Delport added "His throat was severely lacerated and a razor blade was found on the scene"

Foul play is not suspected, he said



Policemen accused of aiding escapers

Star 26/8/92

By Rochelle
Gosling-Hughes

Four policemen charged with bribery and with helping two prisoners to escape pleaded not guilty in a Johannesburg Regional Court yesterday.

Derrick Kriel (22), Ngoako Mohlasedi (55), Khazamula Twala (27) and Rivonga Shikwambana (26) were all stationed at John Vorster Square on September 8 1990 when Francois van Rensburg, who is still at large, and Daniel Maritz allegedly escaped.

In his plea explanation, Mr Shikwambana said he had been on gate duty that day when Mr Twala asked him to accompany him to Fontana (a shop). "I went with Mr Mohlasedi and Mr Twala and two white men I did not know."

He later heard that the two had been prisoners

Mr Twala denied any involvement in an escape plan. Mr Mohlasedi and Mr Kriel did not give any plea explanations.

Maritz, who turned State witness and is currently serving a 10-year sentence for fraud, said he was arrested on September 7 1990. He had shared a cell at John Vorster with Van Rensburg, who told him he could help him escape.

Maritz said he recognised the four accused as policemen who had been on duty at John Vorster Square on September 8 1990. Van Rensburg told Maritz he could arrange for him to make a phone call.

"He said he could explain how I could reach the front door from the phone area and simply walk away," said Maritz. The trial continues today.

AVB warns of revenge

PRETORIA — Mr Andries Kriel, who claims to be the leader of the Afrikaner Volkstaatbeweging, yesterday warned that if right-wing hunger striker Leonard Veenendal died his organisation would take revenge with "blood and bricks".

Mr Kriel is on the run from the police.

In a statement Mr Kriel claimed the AVB had received information that the Orde Boerevolk commander — said to be on his 68th day of a hunger strike — "was dying".

His organisation had already proved its mettle in the Hillview bomb blast, at Cosatu House and various post offices, said Mr Kriel. His threat therefore "should not be taken lightly" — Sapa

Bid to stop more massacres

STAR 27/8/92

By Bronwyn Wilkinson
Crime Reporter

(253)

Experts from the Institute of Behavioural Sciences of the SAP have been appointed to investigate the background of the police constable who on Tuesday slaughtered eight people at the Goedemoed prison farm before committing suicide

The purpose of the psychological investigation would be to try to prevent a repeat of the massacre, a spokesman for the SAP's public relations division in Pretoria said yesterday

The killer, Constable LS Hasebeng, apparently went berserk because police were investigating a charge that he had raped the daughter of a colleague at the weekend.

Ernestina Mila (19) had alleged Constable Hasebeng raped her on Saturday, Free State police spokesman Captain Johlene van der Merwe said

She laid a charge against the constable on Monday

Miss Mila, her mother Cynthia Lekhula (47) and stepfather Constable Gabriel Lekhula (42), as well as her sister Mavis (17) and four-year-old stepsister Phalisa Lekhula, were shot dead in their beds at the SAP married quarters

Thobeka Dumayi (8), a friend from a nearby farm who went to school in Goedemoed and stayed with the Lekhulas during the week, was wounded

The Behavioural Sciences team, headed by Colonel Kobus Truter, will delve into Consta-

ble Hasebeng's police record as well as his personal and psychological background

They will try to find the trigger that made him snap just before dawn on Tuesday.

Constable Hasebeng shot himself in the head after a shootout at the police station

He had started at the SAP single quarters, then moved to the nearby married quarters and finally to the charge office

He also killed Goedemoed station commander Warrant-Officer Chris Schutte, Police Assistant T J George and Police Assistant V R Tyu. The other wounded were Constable T L Musi, Captain Bettie van Wyk and Police Assistant P C Ramarumo

Police tortured 15 — forensic expert

w/mail 21/8 - 27/8/92

253

HARD on the heels of pathologist Jonathan Gluckman's revelations about deaths in police custody, another forensic expert has made startling charges about police torture and the current inability of South Africa's courts to deal with such allegations.

Internationally renowned forensic psychiatrist Professor Michael Simpson has been called as an expert witness in 15 human rights cases since 1985. In many of these cases, he says, there was overwhelming evidence corroborating torture claims.

And in a related development, African National Congress national executive committee member Ibrahim Ibrahim has confirmed to *The Weekly Mail* that he is to sue the government for torture and unlawful abduction, following his alleged kidnapping from

Swaziland by security forces in 1986. The case starts in late October.

In what is expected to be a watershed case which may open the floodgates for scores of similar damages claims, Ibrahim will tell the supreme court that he was subjected by police to uninterrupted noise for four consecutive days and nights.

Simpson's accusations raise serious questions about the government's current call for a general amnesty. Such an amnesty, he feels, will not only allow torturers to go free, but will also make it almost impossible for survivors of torture and their families to sue the police for alleged torture crimes.

From the cases in which he has been involved, Simpson supplies many examples of irregularity.

In the infamous Donald Madisha case, brought to court by the family of

A second independent forensic expert has come forward with further evidence that detainees were tortured by police and the judicial system has been woefully inadequate in dealing with this.

By MARK GEVISSER and ROSALEE TELELA

a Potgietersrus activist who died in detention in June 1990, Simpson was called to give evidence, and found it "astonishing, given the irregularities, that neither the police nor medical officials were found culpable".

Among these irregularities were the following:

● The district surgeon diagnosed Madisha as being "schizophrenic" on the night before his death, after a supposed full examination that was conducted in a dimly lit cell with Madisha standing upright and fully dressed. "No competent medical doctor," comments Simpson, "would give such an examination."

● The district surgeon then prescribed valium, the wrong treatment for schizophrenia, and claimed to give Madisha a 10mg intravenous injection of the drug, even though an autopsy found no valium in Madisha's body.

"It is flatly and utterly impossible for there to have been no valium in the bloodstream if indeed it was administered the previous day," Simpson comments.

● The district surgeon testified that

upon examining Madisha's hanged body, he estimated that that the body had been dead for 15 minutes. "There is absolutely no way of arriving at so precise a time," says Simpson, "unless you have watched the death and are counting the minutes."

● Another district surgeon, who regularly examined Madisha, recorded conflicting diagnoses at the prison and in his private notes. According to the prison notes, Madisha had no ailments, according to the doctor's private notes, Madisha was suffering from chronic appendicitis and severe abdominal pain.

Other cases investigated by Simpson showed astonishingly large quantities of a muscular enzyme called creatine kinase, which could only have been caused by muscular damage and, under the conditions of detention, only electric shock could have been responsible. In these cases, the police denied using electro-shock torture, even once claiming that the high quantity of an unclotted red substance in a victim's urine was the result of a "beetroot meal".

While Simpson praises Gluckman for his disclosures that he had recorded almost 200 deaths in custody, he says that "inquests are not the answer. There's a difference between a paper inquest which can take five minutes over a cup of tea, and a public inquiry in which survivors' families and independent experts can give evidence

"The police themselves need such inquiries," Simpson continues. "Our country needs a police force and that police force needs to be above suspicion. That is why so many countries, even where police misconduct is very rare, have elaborate procedures to prevent it and a proper system of investigation to check and balance it."

The problem, he feels, is not only that the state botches and/or conceals its own medical evidence, but that it is almost impossible to prove allegations of torture in court. "If you have been detained under Section 29," he says, "you are in solitary confinement and are not even allowed a pen and paper to keep notes. You are in a situation in which it is very difficult to keep track of time and of events, and there is no one independent to check up on your bruises."

"If indeed you are assaulted, only the very people who assault you have the hard evidence, and they're hardly going to testify against themselves."

Unless victims have actually lost eyes or suffered permanent physical damage, it is their unprovable testimony versus that of policemen who can refer to lengthy docket-books.

Furthermore, the victims are often poor black people who do not have the resources to fight the state, which has access to as much expert legal and medical advice as it needs. Attorney Shirley Walsh, who represents many torture victims, says "the majority of these cases are settled out of court, for minimal sums. If the points are to discipline the police and compensate the victims, these out-of-court settlements fail on both counts."

UNIVERSITY OF CAPE TOWN

SALENDI LILANGA

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Regulasiekoerant
Regulation Gazette
No. 4935

Vol. 326

PRETORIA, 28 AUGUSTUS 1992
AUGUST

No. 14259

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN KORREKTIEWE DIENSTE

No. R. 2486 28 Augustus 1992

WET OP KORREKTIEWE DIENSTE, 1959

WYSIGING VAN DIE KORREKTIEWE
DIENSTEREGULASIES

Die Minister van Korrektiewe Dienste het kragtens artikel 94 van die Wet op Korrektiewe Dienste, 1959 (Wet No 8 van 1959), die regulasies in die Bylae uitgevaardig

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Korrektiewe Diensteregulasies, afgekondig by Goewermentskennisgewing No R 2080 van 31 Desember 1965, soos gewysig by Goewermentskennisgewings Nos R 992 van 30 Junie 1967, R 441 van 22 Maart 1968, R 801 van 10 Mei 1968, R 1865 van 11 Oktober 1968, R 2227 van 6 Desember 1968, R 2325 van 20 Desember 1968, R 1530 van 18 September 1970, R 1979 van 13 November 1970, R 557 van 8 April 1971, R 1199 van 9 Julie 1971, R 53 van 14 Januarie 1972, R 776 van 12 Mei 1972, R 1476 van 25 Augustus 1972, R 384 van 16 Maart 1973, R 922 van 30 Mei 1973, R 2368 van 14 Desember 1973, R 1842 van 11 Oktober 1974, R 1311 van 11 Julie 1975, R 921 van 28 Mei 1976, R 2261 van 3 Desember 1976, R 173 van 11 Februarie 1977, R 607 van 15 April 1977, R 966 van 3 Junie 1977, R 967 van 3 Junie 1977, R 968 van 3 Junie 1977, R 1047 van 17 Junie 1977, R 1199 van 23 Junie 1977, R 1584 van 12 Augustus 1977, R 1731 van 2 September 1977, R 2094 van 14 Oktober 1977, R 992 van 19 Mei 1978,

GOVERNMENT NOTICES

DEPARTMENT OF CORRECTIONAL SERVICES

No. R. 2486 28 August 1992

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CORRECTIONAL SERVICES ACT, 1959

AMENDMENT OF THE CORRECTIONAL
SERVICES REGULATIONS

The Minister of Correctional Services has under section 94 of the Correctional Services Act, 1959 (Act No 8 of 1959), made the regulations in the Schedule

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Correctional Services Regulations, published by Government Notice No R 2080 of 31 December 1965, as amended by Government Notices Nos R 992 of 30 June 1967, R 441 of 22 March 1968, R 801 of 10 May 1968, R 1865 of 11 October 1968, R 2227 of 6 December 1968, R 2325 of 20 December 1968, R 1530 of 18 September 1970, R 1979 of 13 November 1970, R 557 of 8 April 1971, R 1199 of 9 July 1971, R 53 of 14 January 1972, R 776 of 12 May 1972, R 1476 of 25 August 1972, R 384 of 16 March 1973, R 922 of 30 May 1973, R 2368 of 14 December 1973, R 1842 of 11 October 1974, R 1311 of 11 July 1975, R 921 of 28 May 1976, R 2261 of 3 December 1976, R 173 of 11 February 1977, R 607 of 15 April 1977, R 966 of 3 June 1977, R 967 of 3 June 1977, R 968 of 3 June 1977, R 1047 of 17 June 1977, R 1199 of 23 June 1977, R 1584 of 12 August 1977, R 1731 of 2 September 1977, R 2094 of 14 October 1977,

R 1759 van 1 September 1978, R 1993 van 6 Oktober 1978, R 1994 van 6 Oktober 1978, R 2091 van 21 September 1979, R 350 van 18 Februarie 1980, R 1091 van 30 Mei 1980, R 1434 van 11 Julie 1980, R 832 van 16 April 1981, R 1933 van 30 Augustus 1985, R 1229 van 24 Junie 1988, R 586 van 31 Maart 1989, R 774 van 30 Maart 1990 en R 2251 van 21 September 1990

Wysiging van regulasie 17 van die Regulasies

2. Regulasie 17 van die Regulasies word hierby gewysig deur na paragraaf (a) van subregulasie (1) die volgende paragraaf in te voeg

“(a)bis ’n lid ’n bybetaling van R10 (tien rand) vir konsultasies of besoeke ten opsigte van geneeskundige, tandheelkundige en aanvullende gesondheidsdienste moet maak, uitgesluit konsultasies of besoeke tydens opname, versorging en verpleging in ’n militêre, openbare of privaat hospitaal of verpleeg- of kraam-inrigting, en geneeskundige hulpdiens wat aan ’n lid gelever word terwyl hy in sodanige hospitaal of inrigting versorg word. Met dien verstande voorts dat hierdie bepaling nie van toepassing is op ’n in subparagraaf (2) (a) (ii), (iii) en (v) bedoelde lid en sy afhanklikes nie, en”

3. Hierdie wysiging tree in werking op die eerste dag van September 1992.

R 992 of 19 May 1978, R 1759 of 1 September 1978, R 1993 of 6 October 1978, R 1994 of 6 October 1978, R 2091 of 21 September 1979, R 350 of 18 February 1980, R 1091 of 30 May 1980, R 1434 of 11 July 1980, R 832 of 16 April 1981, R 1933 of 30 August 1985, R 1229 of 24 June 1988, R 586 of 31 March 1989, R 774 of 30 March 1990 and R 2251 of 21 September 1990

Amendment of regulation 17 of the Regulations

2. Regulation 17 of the Regulations is hereby amended by the insertion after paragraph (a) of subregulation (1) of the following paragraph

“(a)bis a member shall make a contribution of R10 (ten rand) for consultations or visits in respect of medical, dental and supplementary health services, excluding consultations or visits during admission, care and nursing in a military, public or private hospital or nursing or maternity home, and medical auxiliary services supplied to a member while he is being cared for in such hospital or home. Provided further that this provision is not applicable to a member and his dependents referred to in subparagraph (2) (a) (ii), (iii) and (v), and”

3. This amendment will take effect on the first day of September 1992.

INHOUD

No	Bladsy No	Koerant No
GOEWERMENSKENNISGEWING		
Korrektiewe Dienste, Departement van Goewermentskennisgewing		
R 2486	Wet op Korrektiewe Dienste (8/1959)	
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SA frees Soviet spy

■ **IN FROM COLD** Former SA Navy commodore

flies to Switzerland after unexpected release:

Swiften 28/8/92

(253)

FORMER Soviet spy and South African naval officer Dieter Gerhardt was unexpectedly released from Pretoria's Central Prison yesterday. Gerhardt, a commodore at the Simon's Town naval base when he and his Swiss-born wife were arrested for spying for the Soviet Union, was sentenced to life

imprisonment in 1983.

According to President FW de Klerk, Gerhardt was released at the request of Russia's President Boris Yeltsin who raised the issue during his recent visit to Moscow. Gerhardt was flown to Switzerland last night to join his wife Ruth, and their son. *28/8/92*

Story page

2

Gerhardt: a Le Carre epic retold

By Helen Grange

253

STAR 28/8/92

Dieter Gerhardt's tale is as epic as a novel by John le Carre, whose spy dramas he read to fill many long lonely hours in the prison he left yesterday.

The infamous former commanding officer of the Simon's Town naval base began an extraordinary life of espionage when, as a young South African Navy officer in the early 1960s, he walked into the Soviet embassy in London to offer his services.

He had been sent to England for further training after graduating from the Saldanha Naval Academy in 1954, a year after he joined the navy as a trainee midshipman.

At first, the Soviets were suspicious but, after a series of meetings, he was given his first task — and money to buy the necessary equipment.

Successful

Thus began a 19-year spy career which dealt one of the most painful blows to the West since the start of the Cold War, and got him dubbed as the most successful Soviet agent in southern Africa.

He was also the Soviet Union's longest serving spy after Guy Burgess and Kim Philby.

Mr Gerhardt's extraordinary spy partnership with his Swiss-born wife Ruth, whom he married in 1969 in Wynberg, has also been a constant source of intrigue.

The couple sold military and strategic secrets from South Africa, Britain and the North Atlantic Treaty Organisation to their Kremlin bosses with astounding efficiency over 14 years, while maintaining an impeccable social standing in Simon's Town.

It all ended in 1983 when the then Prime Minister P W Botha announced that following a tip-off from a foreign counter-espionage agency, Commodore Gerhardt and his wife had been arrested in terms of the Internal Security Act and were suspect-

ed of being Soviet spies.

The limited details which emerged from the in-camera hearing in Cape Town's Supreme Court shocked the nation. The KGB's "eyes and ears in the South Atlantic", as he was dubbed by French newspapers, was sentenced to life in jail.

His wife was sentenced to 10 years in jail, but served only seven before being released in 1990 when she flew back to Switzerland.

After their sentencing there were rumours of an international swap scheme to secure the release of top Jewish dissidents from the USSR, but the deal fell through.

Mr Gerhardt has languished in Pretoria Central Prison since, but he has been the focus of much attention from the Government and ANC. He has received a visit in prison from ANC leader Nelson Mandela, who has long been campaigning for his release on the basis that he is a political prisoner. The Government has maintained, until yesterday, that as a criminal, he would serve a full life sentence.

It was not known last night if any conditions had been attached to his release.

Mr Gerhardt, who grew up in Pretoria, had a German-born father who was interned as a Nazi sympathiser during World War 2. When he joined the Navy in 1953, he made an impact as a "shy, but highly talented boy" on his officers.

As his brilliant navy career progressed, he became known to his friends as "The Brain" and "Jumbo".

Mr Gerhardt's nine years in jail have taken their toll. At 56, he is bald, with a slight paunch. But he has continued to pursue his interests in classical music, books and botany and has spent many hours reading and tending his prison rose garden.

He has not seen his son Gregory since he was a little boy and in one of the last interviews he granted, he said: "Gregory can visit me at the end of the year, but please God, I want to be out by then."

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De Klerk sets super spy Gerhardt free

TIM COHEN (253)

THE SA government yesterday released communist spy Dieter Gerhardt, following an appeal to President F W de Klerk by Russian President Boris Yeltsin

Gerhardt, the former Simon's Town naval base commander, was convicted of treason for spying for the former Soviet Union. He was jailed for life in 1983.

Last night, SA's Foreign Affairs Department was still making efforts to negotiate his passage to Switzerland to allow him to join his wife Ruth and his child.

Foreign Affairs Minister Pik Botha said while Gerhardt was on a flight to Switzerland via Frankfurt, Swiss authorities had indicated that he would not be permitted to land in their country. Botha said De Klerk had contacted him last night to try to resolve the situation. *B/DA-7*

In a statement, De Klerk said when he and Yeltsin met in Russia earlier this year, the Russian president had asked him to reprieve Gerhardt. "A series of discussions between representatives of both countries followed and led to a mutually acceptable understanding." *28/8/92*

"After having spied for approximately 18 years as a paid agent of the then Soviet Union while he was an officer in the SA Navy, Dieter Felix Gerhardt was arrested in 1983, tried and found guilty of treason," De Klerk said. "On December 29 1983 he was sentenced to life imprisonment."

"In the light of this, as well as the totally new situation in Russia and the resultant improvement in the relations between our two countries, I have decided to accede to President Yeltsin's request. Consequently, I herewith announce that Gerhardt was released from prison earlier today."

In December 1991, De Klerk and then Prisons Minister Adriaan Vlok opposed a Supreme Court application for Gerhardt's release brought by Lawyers for Human Rights on the grounds that Gerhardt qualified as a political prisoner.

Ruth Gerhardt, jailed at the same time as her husband, was released in May 1990. Speaking from her office in Basle, Switzerland, last night, she said. "I am just so very happy."

By Carina le Grange
and Peter Fabricius

Convicted Soviet spy and former SA Navy commodore Dieter Gerhardt was yesterday released from jail — a move hailed as long overdue by anti-apartheid groups

State President F W de Klerk made the dramatic announcement last night, citing Russian President Boris Yeltsin's direct intervention as a reason for the high-profile prisoner's release. The two statesmen met in Moscow in June

Mr Gerhardt was released after serving almost nine years of his life sentence for treason

Government sources indicated last night that Mr Gerhardt had been released to Russian diplomats, who escorted him to Jan Smuts Airport

Mr Gerhardt was expected to be reunited with his Swiss-born wife Ruth and their son Gregory in Switzerland today

Confusion

Mrs Gerhardt was released from jail in 1990 after serving seven years of a 10-year sentence for treason

There was confusion last night on Mr Gerhardt's whereabouts. Sapa reported it was first believed he had been flown direct to Switzerland, but that Swiss authorities had refused him entry into the country

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Mr Gerhardt's surprise reprieve came after the ANC

recently reiterated that it considered Mr Gerhardt to be a political prisoner

The former commodore of the naval dockyard at Simon's Town was found guilty in December 1983 of treason — for spying for the former Soviet Union for 18 years

Mr de Klerk said in his statement, "During our meeting in Russia, President Yeltsin, the president of the Russian Federation, requested me to reprieve Gerhardt. A series of discussions between representatives of both countries followed

"In the light of this, as well as the totally new situation in Russia and the resultant improvement in the relations between our two countries, I have decided to accede to President Yeltsin's request"

The ANC, SACP and Democratic Party last night welcomed the release

ANC spokesman Gill Marcus wished Mr Gerhardt — believed to have joined the organisation while in jail — "luck". But, she added, his release, and that of several hundred other political prisoners, was long overdue

SACP secretary-general Chris Hanu said he was "delighted" at the news

Democratic Party MP Tony Leon said it was unnecessary for Mr de Klerk to have found such "exotic reasons" for releasing Mr Gerhardt, since he clearly was a political prisoner under the guidelines published by the Government 18 months ago

Mr Gerhardt's release has raised hopes that other political prisoners would soon be freed

Conservative Party spokesman Frank le Roux said the Government was "kowtowing" to the Russians and communists

● Like a Le Carré spy novel
— Page 10

Spy Gerhardt freed

De Klerk acts after intervention by Yeltsin

(AS3)

STAN 28/8/92

By Carina le Grange
and Peter Fabricius

Convicted Soviet spy and former SA Navy commodore Dieter Gerhardt was yesterday released from jail — a move hailed as long overdue by anti-apartheid groups

State President F W de Klerk made the dramatic announcement last night, citing Russian President Boris Yeltsin's direct intervention as a reason for the high-profile prisoner's release. The two statesmen met in Moscow in June.

Mr Gerhardt was released after serving almost nine years of his life sentence for treason.

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Mr de Klerk said in his statement: "During our meeting in Russia, President Yeltsin, the president of the Russian Federation, requested me to reprieve Gerhardt. A series of discussions between representatives of both countries followed."

"In the light of this, as well as the totally new situation in Russia and the resultant improvement in the relations between our two countries, I have decided to accede to President Yeltsin's request."

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Democratic Party MP Tony Leon said it was unnecessary for Mr de Klerk to have found such "exotic reasons" for releasing Mr Gerhardt since he clearly was a political prisoner under the guidelines published by the Government 18 months ago.

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● Like a Le Carre spy novel

— Page 10

SPY Gerhardt freed

(AS3) STAR 28/8/92

De Klerk acts after intervention by Yeltsin

Gerhardt the spy set free

Sovietam 28/8/92 (253) ~~253~~
■ REUNION Ex-Navy man off to Switzerland:

SOVJET SPY MR DIETER Gerhardt has been released, Foreign Affairs Minister Mr Pik Botha announced yesterday

Botha said Gerhardt was flown to Switzerland last night following his release from Pretoria Central Prison earlier in the day

The Swiss had initially refused to accept Gerhardt. But it later relented and agreed to allow Gerhardt entry after Botha had intervened.

Gerhardt was arrested in 1983, tried and found guilty of high treason

He was sentenced to life imprisonment on December 29 1983

Botha said the former spy was travelling to Switzerland to be reunited with his wife Ruth and their son

De Klerk said Russia's President Boris Yeltsin had requested that Gerhardt be given a reprieve during De Klerk's visit to Russia earlier this year

"A series of discussions between representatives of both countries followed and led to a

mutually acceptable understanding," De Klerk said

He said Gerhardt had spied for the Soviet Union for 18 years "as a paid agent" while he was an officer in the South African Navy.

Gerhardt, former commanding officer of the South African Navy dockyard at Simon's Town, was arrested with his wife on January 20 1983

They appeared in court on September 3 1983 on charges of treason. Both were found guilty and sentenced to life and 10 years' jail respectively

The State's case held that Gerhardt had been spying for the USSR since 1962 until his arrest

He had used microfilm and radio transmissions to get his information through and received substantial payments in return

His wife used her foreign connections to assist him to take film out of the country

During the 45-day trial, Gerhardt admitted to spying. He said in his defence that he did it for a country he refused to name, but which was not hostile to South Africa - *Sapa*

Cell deaths: Kriel exonerates SAP

By Peter Fabricius and Bronwyn Wilkinson

253

As police yesterday announced the death of a man said to have been shot dead while trying to escape police custody, Law and Order Minister Hennis Kriel said in Pretoria he would soon produce proof that deaths in custody were not the result of police brutality.

The KwaZulu Police said in a statement that a man arrested on a drug charge was shot dead by the SAP in Natal. He was one of four men arrested for the alleged possession of dagga.

According to the KwaZulu Police, the men were taken into custody and one of them tried to escape on the way to the police station in KwaMashu. The SAP fired a shot, fatally wounding the suspect.

The suspect's death brings to at least 11 the number of people who have died while in police custody since pathologist Dr Jonathan Gluckman claimed on July 26 that the police were killing people in their custody.

Dr Gluckman also raised concern about the number of arrested people who die on the way to police cells.

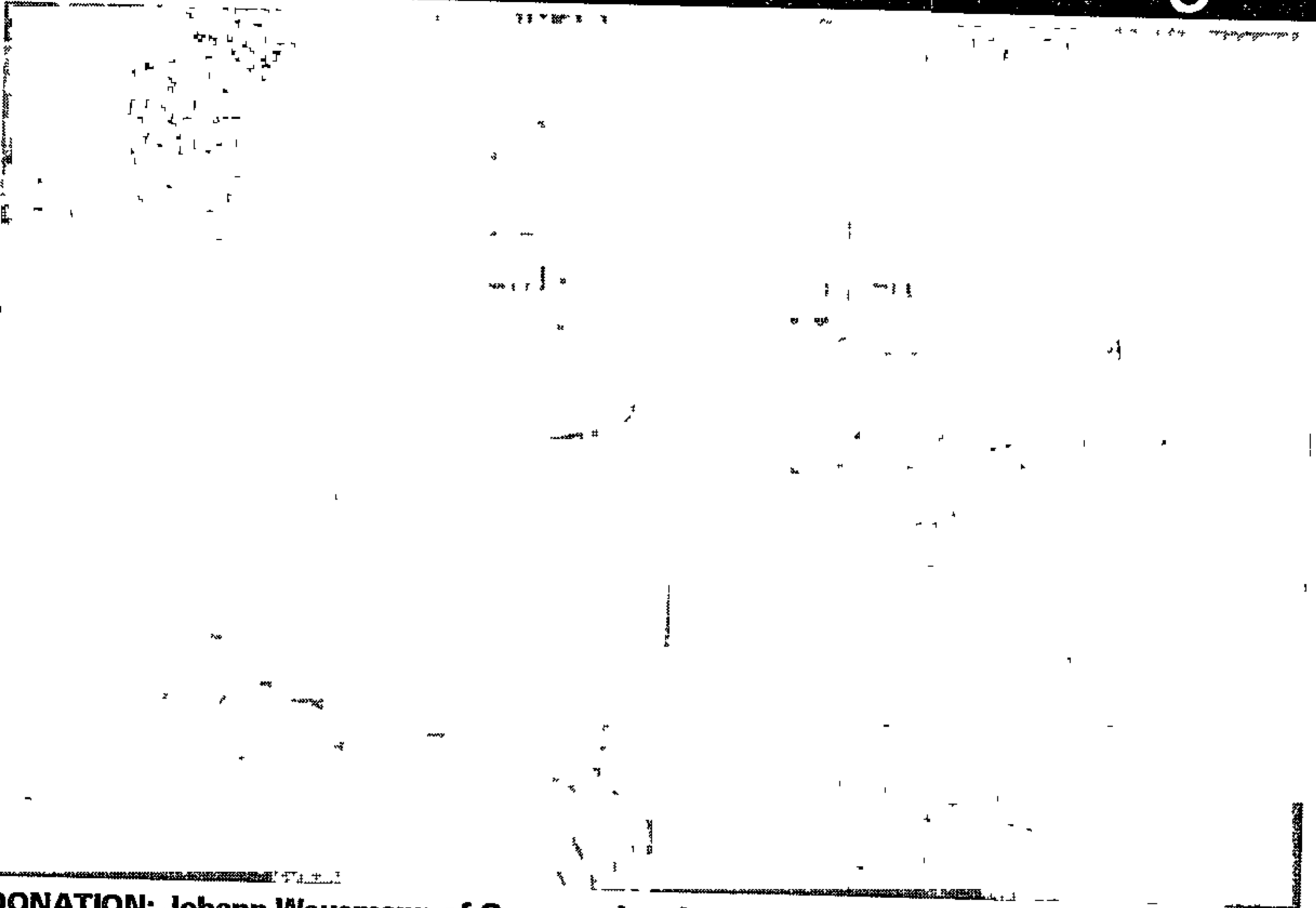
Mr Kriel said at a press conference in Pretoria that despite Dr Gluckman's disclosures, he was not prepared to accept that the deaths were the result of police brutality.

He would make a full statement as soon as he had completed his investigation.

Pressed for his own opinion on the controversy, Mr Kriel said "My own opinion is that any death in custody is regrettable. But to come to the conclusion that these deaths are through police brutality, that I am not prepared to accept."

STAR
28/8/92

'Govt holding prisoners hostage'



DONATION: Johann Weusmann of Germany hands over one of the 20 TV sets donated to political prisoners. Receiving the set is Pastor Don John Davis, right, and Norman Yengeni

By Lucas Mati ^{SOUTH} 29/8 - 2/9/92

253

THE ANC has accused the government of "treating political prisoners as footballs" to force the organisation into making concessions

Dr Allan Boesak, the ANC chairperson in the Western Cape, said by attaching conditions to their release, the government was clearly turning political prisoners into political hostages

He warned that his organisation would not return to the negotiating table until all political prisoners had been released

Boesak made the statement in Athlone during a presentation of TV sets for political prisoners held in Western Cape prisons

The TV sets were donated by the German-based Friedrich Ebert Foundation with the aim of improving prison conditions and keeping

prisoners abreast of political developments in the country

The Regional Organiser of Lawyers for Human Rights, Mr Achmat Semaar, confirmed there were still 400 political prisoners in South African prisons — among them are Robert McBride, Mthetheli Mncube and Mzondeleli Nondula, Dieter Gerhardt and a number of civic, youth and trade union activists

WORLD EXCLUSIVE

Spy DIETER GERHARDT speaks for the first time to IAN HOBBS in Basle, Switzerland

My release is signal to free all prisoners

FORMER Soviet spy Dieter Gerhardt said yesterday his release was a signal that all political prisoners would be freed.

Gerhardt was speaking in his first interview since being released on Thursday and flying to join his family in Switzerland.

He also confirmed that direct intervention by President FW de Klerk and Russian President Boris Yeltsin had secured his surprise release.

He said Mr De Klerk, who was under pressure from the National Intelligence Service to keep him behind bars, met Mr Yeltsin who argued forcefully for his freedom.

Gerhardt, the massively built former navy commander who was exposed as a Soviet spy in 1983, said there was a critical message in his release.

"Mr De Klerk is sending a powerful signal to the ANC and all parties in Colesburg that he wants negotiation, not confrontation."

S Times
Fears 30/8/92

"I was, under law, a political prisoner. This is a signal that the government recognises that all political prisoners, including South African right-wingers held in Zimbabwe, must be freed in the interests of the new South Africa," he said.

Gerhardt said that even in prison there had been fears for his safety.

He would not identify anyone who was threatening his life.

He said there were many "technical details" of his past and present life that he could not disclose.

But he emphasised that he had never been a communist, a Marxist, a member of the ANC or a plain, mercenary spy.

He said that from his earliest years, when his pro-Nazi father, a German immigrant, was interned at Koffiefontein during the war, he had been influenced to become a humanist and this had dictated his life.

"I have done what I have

done for this reason alone for all the citizens of South Africa. I have always felt the need for all people to be equally respected.

"It is essential if South Africa is to survive."

About his spying he said "I was working internationally with intelligence officers of a very high rank, including those in the Soviet Union, who were already foreseeing the developments that are now happening, and have happened, in the former USSR." (253)

"I was convinced that this process, on a global scale, was coming, and would bless my neck of the woods, South Africa."

"I hope history will judge me fairly, because I took a terrible decision



DIETER GERHARDT

that I knew would devastate my life and that of my family."

He said that as a young navy lieutenant, deeply involved in international intelligence work, he realised that Dr Hendrik Verwoerd's policies had put South Africa on the road to catastrophe.

"I eventually had to make a decision. How much more of this could I stand by and tolerate? I decided, no more."

Terror

"Only the Soviet Union was at that stage helping the liberation movements. I knew where I had to go and as we know from my trial, there was contact with them which I cannot discuss. I cannot even say when or where that first contact was made."

Gerhardt said his life had "been on the line" for many years and when his second wife, Swiss-born Ruth, joined his activities, they lived through daily terror of exposure in the 70s.

"I knew it had to happen. For some time before we were exposed by a Soviet defector, I knew it was coming, and so did Ruth."

"We decided to carry on. I was committed to a cause. I had made my life and my work was not complete."

When the allied train was sprung while he was in America on January 8 1983, and his wife was meeting their Russian contact in Geneva, Gerhardt was "just numb — it had happened as I feared."

He had absolutely no regrets, he said.

Gerhardt revealed that throughout his term in prison, some of South Africa's most progressive military and intelligence leaders had respected his views and, to this day, remained his close friends.

ANC call for cell deaths inquiry ~~321~~ 253

THE ANC on Tuesday demanded urgent steps be taken to end deaths of people in police custody.

"Only last week two people in police custody died on their way to hospital, all evidence indicating they were killed by police who accompanied them. How many more of these incidents must occur before the State President and the Minister of Law and Order take effective action?" the ANC asked in a statement. "CIPREN 30/8/92"

The ANC called for an independent judicial inquiry to investigate deaths in police custody.

ANC wants spy back as defence force adviser

BIDAY
31/8/92 (253)
DIRK HARTFORD

THE ANC hopes Dieter Gerhardt will be coming back to SA soon to advise the organisation on military and security issues and contribute to the remoulding of a future defence force

ANC spokesman Carl Niehaus — who spent several years in prison with Gerhardt — said he was extremely knowledgeable on the SADF and military and security matters.

He described Gerhardt as "an incredibly strong and determined person" and said he had managed to cope well even though in virtual solitary confinement since other political prisoners were released.

While he only joined the ANC recently, Gerhardt was "strongly anti-apartheid" from the beginning and sympathetic to the organisation.

He had an official air about him from his days as commanding officer of the Simonstown naval base which he used to good effect with prison warders and officials.

"Dieter refused to be treated as an underling. He insisted on his own position in his dealings with the prison authorities and got away with it more

often than not," said Niehaus.

His biggest regret during his nine years of imprisonment was missing out on the formative years of his teenaged son, Gregory.

"He found it difficult to reconcile himself to the huge gap in contact with his son and felt it as a big loss."

Although the political prisoners — and Gerhardt in particular — came from very different backgrounds, he fitted in easily with the spirit of solidarity and comradeship in the prison.

Novels

Despite his age, he competed with the younger prisoners in various sports and acquitted himself well. He had kept himself fit throughout his imprisonment.

His prison comrades, Niehaus said, associated him most with a "spirit of sharing" — always giving to others from his food and gift parcels.

Gerhardt was a voracious reader of spy novels, ordering dozens at a time from the library — and a lover of classical music.

Sapa reports that ANC president Nelson Mandela said at the weekend he hoped Gerhardt would return to SA soon. He said Gerhardt's "sacrifices in the struggle against apartheid" were appreciated by the ANC.

Gerhardt, a former SA Navy commander who spied for the Soviet Union for more than 20 years, was released from Pretoria Prison on Thursday and put aboard a flight to Switzerland to join his wife and fellow spy Ruth, and his son.

The spy, now 56, was exposed in 1983, convicted of treason, and imprisoned. He was released after an appeal by Russian President Boris Yeltsin to President F W de Klerk.

In a personal message to Gerhardt, a copy of which was released to Sapa yesterday, Mandela said he received the news of Gerhardt's release with great joy.

"That the government continued to imprison you, along with many other comrades, despite their repeated undertakings to release all political prisoners, was a source of great concern and anger," said Mandela.

"We hope that you will soon return to SA."

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Prisoner trampled to death by his cellmates, court hears

STAR 31/8/92

By Susan Smuts

(253)

The body of a prisoner who had been trampled and kicked to death by his cellmates was left lying on the floor overnight, the Rand Supreme Court heard on Friday.

Claude Hilton Pedlar, a prisoner in the cell and a witness to the killing, said Samuel Smith (21), Lincoln Davis (28) and Delphian Dutini (21) had assaulted Moegamat Elver van Doorsen in cell 42 of the Johannesburg prison after an altercation between Van Doorsen and another prisoner on May 6 1991.

The men have pleaded not guilty to murder be-

fore Mr Justice JC Labuschagne.

Pedlar said the argument between Van Doorsen and the other man had been sorted out before the three accused came into that section of the cell. Davis walked up to him (Pedlar) and attacked him with a razor blade while Smith grabbed Van Doorsen from behind.

Smith kicked Van Doorsen "on his side and trampled his face", and Davis and Dutini attacked another prisoner, Rashid Meyer. Davis then kicked Van Doorsen "quite a number of times" and Dutini joined him, Pedlar said.

Meyer screamed that the men were going to kill Van Doorsen and wanted to stop them, but Pedlar said he pulled him back.

The assault subsided, then Smith again trampled Van Doorsen's face, this time using the rail of a bed to support himself. Smith then pulled out a razor blade and bent over Van Doorsen's neck. Pedlar said he could not see whether he cut his neck.

Smith said "This man's blood is sweet, but mine is bitter" after tasting his own blood, Pedlar told the court. He added that one of his teeth had been broken after Smith

hit him with a padlock.

Pedlar claimed he intervened to prevent the men killing Meyer, who was "already covered in blood".

Smith had placed the accuseds' prison cards on the body and said "This is our body. We can do with it whatever we please," Pedlar said. The body was discovered in the morning after roll call.

He said he, Van Doorsen, Davis and Dutini were members of the 26 Gang, and Smith was a member of the 28 Gang. These gangs "got along", he remarked.

The hearing continues.

Hope for releases dashed by Govt

STAR 31/8/92

By Rochelle Gosling-Hughes

Following the release of Soviet spy Dieter Gerhardt the Government yesterday dashed the ANC's hopes that the release of all political prisoners was imminent.

Justice Ministry spokesman Nick Grobler said no inference could be drawn from the release of Mr Gerhardt as there was no relationship between Mr Gerhardt's circumstances and those of the political prisoners in question.

"According to the Government all political prisoners have been released but we are having discussions with the ANC about those people claiming political status to effect their release," he said.

Human Rights Commissioner Max Coleman said he believed Mr Gerhardt's release "was the first sign that all of the 350 to 450 political prisoners would be released". He said it was "anybody's guess" when it would happen but it should have happened a year ago.

Bad faith

ANC spokesman Carl Niehaus said that while he could not reveal the contents of the past two meetings between chief Government negotiator Roelf Meyer and ANC secretary-general Cyril Ramaphosa, he hoped that Mr Gerhardt's release indicated some movement in terms of other political prisoners.

"Gerhardt's release is an indicator that the Government has been acting in bad faith for the two years since the Groote Schuur and Pretoria minutes".

Mr Niehaus said it was logical that the issue of political prisoners would be on the agenda at the ANC's National Executive Committee's three-day meeting which starts today.

"We the ANC do not intend to get stuck to redefining who the political prisoners are but want to see the implementation of our agreement with the Government," he said.

STAR 1/19/92

'3 danced after killing of cellmate'

By Susan Smuts

253

Three prisoners ate and danced after beating a cellmate to death, the Rand Supreme Court heard yesterday

Rashid Meyers told Mr Justice J C Labuschagne that Samuel Smith (21), Lincoln Davis (28) and Delphian Dutini (21) had hit, kicked and trampled Moegamat Elver van Doorsen on May 6 last year. The attackers also assaulted him with a padlock and a plank, he said.

The men have pleaded not guilty to murder.

Meyers said Dutini stabbed with a sharpened spoon during the incident. He said he (Meyers) broke a window to attract the attention of the warden of the Johannesburg prison, where the men were being held.

He threw an iron at the attackers, but was afraid to defend himself as he thought they might kill him if he hurt them. He added that Smith warned the inmates not to call the wardens unless they wanted to die.

The court heard earlier that the attack had taken place in the late afternoon but Van Doorsen's body had been discovered only the next morning.

Dutini's lawyer, J Galt, told the court her client would say Van Doorsen had wanted to rape some of the cellmates.

The trial continues.

Cell death: family calls in Gluckman

STAR 11/9/92

253

Staff Reporters

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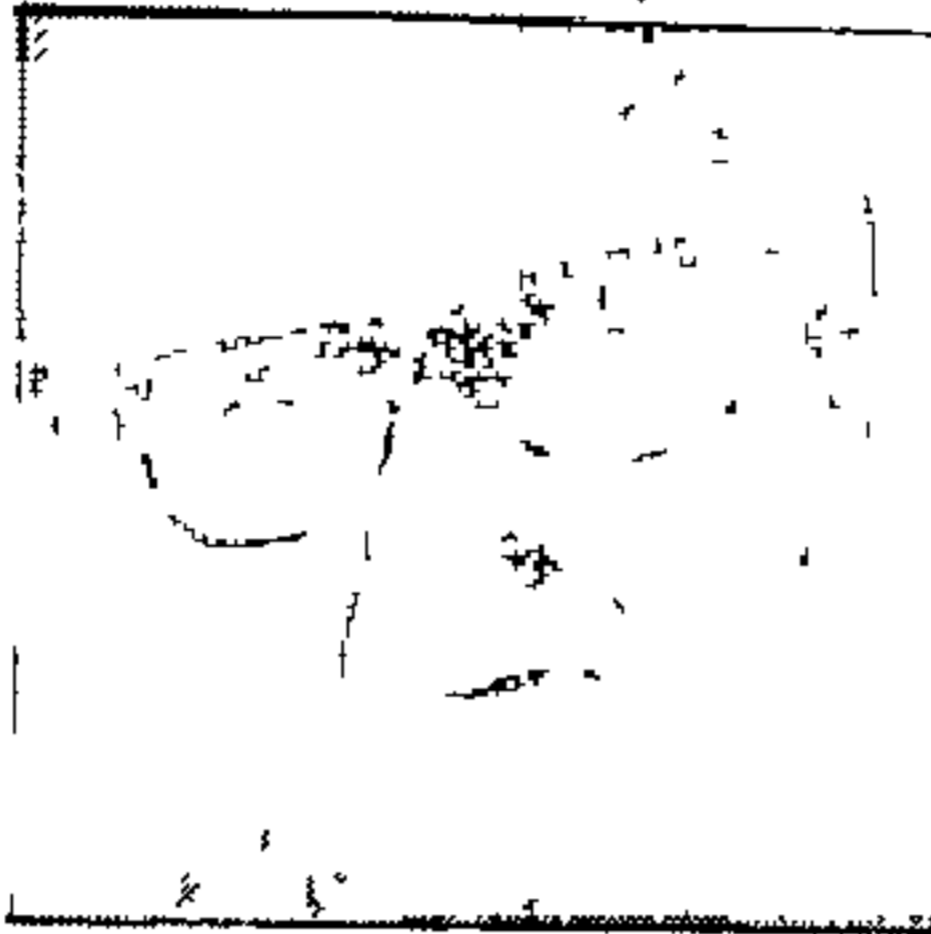
Pathologist Dr Jonathan Gluckman has been appointed to perform an independent post-mortem on the 20-year-old man who died in a police cell in Witbank last week

Police announced yesterday the State post-mortem on Kekeletso Samuel Matenjwa, who died within 12 hours of being arrested on suspicion of stock theft and housebreaking, had been completed

Dr Gluckman said he was waiting for the documents pertaining to Mr Matenjwa's death so he could perform the post-mortem on behalf of Mr Matenjwa's family.

The results of the State post-mortem would only be made public at a judicial inquiry, which could take some months, a police spokesman said

At the time Mr Matenjwa died, police would not release any details about his death except to say he was found in his cell at the Witbank police sta-



Dr Jonathan Gluckman to perform post-mortem

tion at 3 am last Sunday, and the matter was being investigated.

Dr Gluckman caused a storm on July 26 with allegations that the police were murdering people in their custody

Since then, 12 people have died in custody. According to police figures, 178 people have died in police detention since January 1 last year

Human Rights Commission figures show 85 people have died in custody this year

Pretoria police yesterday announced the name of the dom-

estic worker who had been arrested for stealing batteries worth R6 from a shop, and died 10 hours later in the Wierda Bridge police station on Sunday

Police said Johanna Patricia Rammutswana (27) tore her blanket into strips and hanged herself from a bar in her cell.

Democratic Party southern Transvaal chairman Peter Soal yesterday called on President de Klerk to take decisive steps to bring to a quick end deaths in custody

Addressing the Union of Jewish Women, Mr Soal said the death of people in police custody was "a scandal which requires urgent attention"

He said Law and Order Minister Hernus Kriel had left "a lingering doubt about his intentions" when it came to ending custody deaths, and Mr de Klerk now had to "move quickly in order to reassure the public they (the Government) are serious about the matter"

Lawyers for Human Rights organiser Paula McBride said the organisation was "appalled" that deaths were continuing.

Cell death woman is identified

Found hanging in Pretoria
prison:

253

By Monk Nkomo

THE 27-year-old woman who died in a Pretoria prison cell at the weekend was yesterday identified by police as Johanna Patricia Rammantshwane

Northern Transvaal police spokesman Captain Faizel Kader said they did not have her address

All he knew was that she was employed as a domestic worker in Wierdapark.

Rammantshwane was arrested at the Wierdabrug shopping centre on Saturday after she had allegedly stolen torch batteries worth R6. She was found hanging in her cell about 4,45am on Sunday.

A police spokesman said she apparently tore her blanket, tied it on to a bar and around her neck.

Police are investigating the incident.

Meanwhile, the post-mortem examination has been completed on 20-year-old Mr Keketso Samuel Matenjwa, who died while in police custody at Witbank last week.

A police spokesman said the results would only be released when the judicial inquiry had been completed

Gluckman called into probe after cell death

The Argus Correspondent

JOHANNESBURG — Pathologist Dr Jonathan Gluckman has been appointed to perform an independent post mortem on a 20-year-old man who died in a police cell in Witbank last week

Police announced yesterday that a State post mortem examination on Mr Kekeletso Samuel Matenjwa, who died within 12 hours of being arrested on suspicion of stock theft and housebreaking, had been completed

Dr Gluckman said he was waiting for the documents on Mr Matenjwa's death so he could perform the post mortem on

behalf of Mr Matenjwa's family

A police spokesman said the results of the State post mortem would be made public at a judicial inquiry, which could take some months

Dr Gluckman caused a storm when he went public on July 26 with allegations that the police were murdering people in their custody. Since then, 12 people have died in custody

Pretoria police yesterday released the name of a domestic worker who died at a police station early on Sunday. She was Miss Johanna Patricia Rammutshwana, 27

ARG 11/9/92 (253)
According to police she tore her blanket into strips and hanged herself from a bar in her cell

● Parkview, Johannesburg police today prevented a possible attempt by a 34-year-old man to commit suicide

A police spokesman said that about 7 am the man, being held for theft from a vehicle, tried either to kill or seriously injure himself by cutting his wrists

During a routine cell inspection police were alerted to the attempt and the man was taken to a doctor

He will appear in court later today

Right-wing prisoner in release bid

253
CT 2/9/92

Own Correspondent

PRETORIA — Proceedings for the release of hunger-striking right-winger Mr Leonard Veenendal, wanted by Namibian authorities for murder, began last night in an 11th-hour attempt to avert his death

His imminent release was approved by Namibian authorities yesterday, after the intervention of Foreign Minister Mr Pik Botha following negotiations initiated by Archbishop Desmond Tutu

Mr Botha said in a statement that he approached the Namibian government yesterday after receiving a medical report that Mr Veenendal's condition was critical

Mr Veenendal, who faces murder charges following the death of a policeman during his escape from custody in 1990, has been on a hunger strike since June 19

He was arrested shortly before Namibian independence following an attack on an Untag base in the northern Namibian town of Outjo. Namibian authorities have requested the extradition of Mr Veenendal and fellow accused Mr Darryl Stopforth

Mr Botha said the Namibian government responded to his request by stating that on humanitarian and compassionate grounds, it had no objection to the South African government taking measures for his immediate release. But the Namibian extradition process would continue

● The Afrikaner Volksunie yesterday expressed its gratitude to Mr Botha and Justice Minister Mr Kobie Coetsee for their part in securing the release of Mr Veenendal

TIM COHEN

PRETORIA — Right-wing hunger striker Leonard Veenendal, who is wanted by Namibian authorities for murder, is to be released from custody

Proceedings for his release began last night in an 11th-hour attempt to avert his death

His release was approved by Namibia yesterday after Foreign Minister Pik Botha had intervened, asking Archbishop Desmond Tutu to put the initial request to Namibia. Botha said he had approached the Namibian government after receiving a medical report that Veenendal's condition was critical

Veenendal went on a hunger strike on

Tutu helps secure Veenendal's release

June 19 in protest against the possibility of being extradited to Namibia to face various charges in connection with an attack on an Untag base, murder and escaping from custody

Lawyer Wim Cornelius said he would be launching an urgent application for bail for his client, who is under guard in Pretoria's H F Verwoerd Hospital.

The decision to release Veenendal must be taken by the court, but the Justice Department has said it would not oppose a bail application. However, the govern-

□ To Page 2

Veenendal

ment's legal representatives had been instructed to request conditions to be attached to the release to ensure the ends of justice were not defeated

Botha said Namibia responded to his request by stating that on humanitarian and compassionate grounds, it had no objection to the SA government taking measures to facilitate Veenendal's immediate

release. However, the Namibian response was valid pending a decision in respect of its extradition request

Botha expressed appreciation to the Namibian government for its "understanding attitude", saying discussions on extradition would be held between the two governments soon. He also acknowledged Tutu's "important contribution"

□ From Page 1

Tutu plays part in (253) release of rightwinger

By Carina le Grange
STAR 2/9/92

Archbishop Desmond Tutu yesterday intervened — at the request of Foreign Affairs Minister Pik Botha — with the Namibian government to obtain the release from prison of right-wing hunger striker Leonard Veenendal.

The Namibian request for an extradition order — which triggered the hunger strike — was still in force. The Department of Justice confirmed last night that a court application for Mr

Veenendal's extradition was still pending.

Mr Veenendal was said to be in a critical condition yesterday on the 72nd day of his hunger strike in protest against being held in custody pending the hearing.

Mr Botha yesterday afternoon announced that Mr Veenendal would be released from custody after he had approached the Namibian government.

Archbishop Tutu said he had been asked by Mr Botha to intervene, and he did so yesterday afternoon.

CT 319/92 (253)

Veenendal in urgent bail appeal

PRETORIA — Hunger-striker Leonard Veenendal, who will enter his 77th day without food today, has applied urgently to the Supreme Court for bail, saying he feels weak and may die.

The application went ahead in spite of Foreign Affairs Minister Mr Pik Botha's announcement that the government had no objection to his release.

Mr Veenendal, an Orde Boerevolk member, has been on a hunger strike since June 19, demanding his release.

He was granted indemnity on several charges in South Africa, but is being sought by Namibia on various charges, including murder, resulting from an attack on UN offices in 1989.

Namibian authorities have requested that Mr Veenendal be extradited to stand trial — Sapa

NEWS IN BRIEF

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Hunger striker seeks bail

6/10/92 3/9/92

HUNGER striker Leonard Veenendaal, who will enter his 77th day without food today, has applied urgently to the Pretoria Supreme Court for bail, saying he feels extremely weak and fears for his life. The court application will continue today. Justice Minister Kobie Coetsee had no objections, under certain conditions in the interests of the Namibian government.

Scheme to avert cell deaths stalls

By Esther Waugh
Political Reporter

Almost three weeks after announcing that six retired magistrates would be selected to ensure the safety of people in police custody, Law and Order Minister Hernus Kriel has not yet made any appointments.

Mr Kriel announced earlier that after a "core" of six former magistrates had been appointed, the scheme would be broadened to include members of the community

This came after widespread

criticism about deaths in police custody.

Law and Order Ministry spokesman Captain Craig Kotze this week told The Star negotiations with the retired magistrates were at an "advanced" stage and that an announcement would be made "shortly".

At least 12 people have died in police custody since independent pathologist Dr Jonathan Gluckman's allegations a month ago that police were killing people in their custody.

Johanna Patricia Rammansthwane of Wierdapark in

Pretoria died in custody on Sunday after she was arrested for alleged theft of batteries

A spokesman for the police public relations directorate said about 2,5 million people had been in police custody since the beginning of last year. In this time there were 5,98 deaths per 100 000 detainees. The spokesman said 1,67 of the 5,98 deaths were from suicide.

Captain Kotze said Department of Law and Order officials had held discussions with Attorneys-General about "the status of some of the cases".

Chaos as prisoner assaulted, trial told

By Susan Smuts

year in the Johannesburg prison

Pandemonium reigned and prisoners in adjoining cells shouted encouragement

One of three prisoners accused of beating a cellmate to death told the Rand Supreme Court yesterday he wanted to use the court as a platform to voice his grievances on prison life

Smith told the court he had been asked to intervene in a fight between a group of prisoners in the cell. He'd asked "Gents, what's going on?"

Smith claimed he rattled the windows to attract the attention of the warders. He bought dagga and shared it among the prisoners to calm them down.

Delphian Dutini told Mr Justice JC Labuschagne he had not been worried about his trial because the State witnesses would corroborate his account of life in jail.

Van Doorsen suddenly leapt up brandishing a padlock — a signal among the prisoners for a fight. Smith said he grabbed Van Doorsen around the waist and they struggled. Van Doorsen grabbed his private parts and he punched Van Doorsen in the face. Davis and Dutini were assaulting another prisoner, Rashid Meyers, who then called him for help.

He denied hitting Van Doorsen "except once in self-defence" and denied drinking his blood. He said he and Davis were unarmed but that Dutini carried a padlock.

Samuel Smith (21), Lincoln Davis (28) and Dutini (21) have pleaded not guilty to murdering Moegamat Elver van Doorsen on May 6 last

Dutini claimed he had not taken part in the assault on Van Doorsen as he was "fighting with Meyer".

The trial continues

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STAR 2/9/92

Storm over island ferries

ALG 3/9/92. (253)

STEFANS BRUMMER
Shipping Reporter

THE Robben Island ferry service has run into a storm

Two new catamarans built to replace a ferry which was bought in the late 70s are said to be plagued with problems and not fully suited to the job

Several sources have confirmed problems with the cooling systems, engines and hull coating of the new high-speed ferries Penguin and Proteus — built at a cost of R6.3 million

The problems have caused long periods of idleness, it has been claimed

Democratic Party MP Mr Robin Carlisle tried to air the matter in Parliament earlier this year by asking Correctional Services Minister Mr Adriaan Vlok a series of questions about the ferries

But Mr Vlok replied that the Penguin and Proteus had been "used regularly" since being commissioned in 1989 and 1990

The ferries were to replace the Susan Kruger, a second-hand Rhine River cruiser bought during a 1977 shopping junket in Europe by then prisons minister Mr Jimmy Kruger, his wife Susan and three officials

The cruiser named after Mr Kruger's wife and still in use, caused an

uproar when it was delivered — its engines were worn out and had to be replaced, sending costs rocketing

In the eighties, Armscor awarded contracts for building the Proteus and Penguin to a small boatyard in Cape Town harbour, Boat Havens

They were designed by naval architect Mr Bob van Niekerk, who said the aluminium catamaran design was decided on because prison authorities had been "very happy" with two smaller patrol boats he had designed, also aluminium and double-hulled

The manager of a large shipbuilding concern in Cape Town, which also vied for the contract, said they had been "very surprised" when the smaller company got the job and that Boat Havens soon "burned their fingers"

Boat Havens went bankrupt and Armscor handed the project to the well-established Dorbyl

Mr Terry Nessler, manager of Dorbyl's marine division, would not be drawn on reports that Dorbyl were unhappy with the design, saying "We don't get involved in that. We give the customer what he wants."

Lawyer Mr Willie Hofmeyr, a regular visitor to Robben Island, said "When they were initially sup-

Susan Kruger... the old Robben Island ferry, a second-hand Rhine River cruiser bought by then prisons minister Jimmy Kruger during a 1977 shopping junket in Europe.

posed to start working they were just not ready"

Later they were used "now and then", but their unsuitability to rough weather seemed to have been a problem in winter. He said prison warders told him the ferries were "not suitable for what they were intended for" and cargo capacity was grossly inadequate

The Penguin was used most, but the Proteus "almost never", he said. Shipping authority Mr George Young said there had been serious cooling problems and both ferries reportedly blown engines. There

were problems with the coating of the aluminium hulls and corrosion had started. The Penguin's rudder had seized

The Proteus had been laid up for a long time in Murray harbour on Robben Island, Mr Young said

Mr Van Niekerk confirmed there had been engine and cooling problems, but said it was "purely a development problem", ascribable to maximum local content requirements

But he denied that the vessels had been out of operation for long periods because of the problems. He

said Proteus had been used less than Penguin because it was "the number two boat". Both had done many hours, he said. "You can go look in the log book."

The Department of Correctional Services ignored repeated requests for The Argus or an independent party to inspect the logs.

A Correctional Services spokesman commented on allegations that the Proteus had not been used regularly by repeating Mr Vlok's parliamentary answer, but added the word "periodically".

He said "The ferry Proteus has, since its receipt, been used regularly periodically by the Department of Correctional Services" to transport passengers and small amounts of cargo

"The vessel is one of four and is applied depending on the number of passengers that have to be transported on any specific voyage."

Mr Carlisle commented "There are two very worrying aspects. Firstly, it would appear that the (original) contract was awarded to a concern with inadequate resources, giving rise to suspicions of the old-boy network in action.

"More seriously, a spokesman for the department had contradicted his minister's parliamentary assurance that Proteus was used regularly by adding the word 'periodically'."

Veenendal out on bail of R1 000

PRETORIA — Right-wing activist Leonard Veenendal yesterday obtained his release from custody on bail of R1 000

He ended a hunger strike lasting almost three months earlier in the day

Mr Justice I Mahomed ordered in the Pretoria Supreme Court just after 6pm yesterday that Veenendal be released once he had recuperated

CF 4/9/92
from his hunger strike of 76 days (253)

On his release, Mr Veenendal must settle in the Newcastle area, which he may not leave without the permission of Newcastle's chief magistrate.

Mr Justice Mahomed berated the Minister of Justice for not coming to a decision on Mr Veenendal's status and said it was not a satisfactory situation to let the matter hang in the air — Sapa

(253) CT 4/19/92
**Prisons to cut
down on staff**

PRISONS are to trim their manpower needs drastically to cut expenditure, the Department of Correctional Services disclosed yesterday.

A voluntary retirement package was to be offered to staff members aged 50 and over and who had more than 10 years of pensioned service, said spokesman Warrant Officer R Potgieter.

Further moves to cut expenditure would be the suspension of "reserve force obligations" for those doing camp-style call-ups for the department every year and the termination of temporary warders' service.

WO Potgieter said the government had accepted the establishment of a smaller civil service to bring down expenditure.

Rightwinger ²⁸³ Veenendal gets R1 000 bail

The Argus Correspondent

PRETORIA — Bail of R1 000 has been granted to rightwinger Leonard Veenendal pending a decision by Justice Minister Kobie Coetsee on whether to extradite him to Namibia to stand trial for murder and sabotage.

Mr Justice Mohammed yesterday attached stringent conditions to the bail to prevent Mr Veenendal, who ended his 76-day hunger strike yesterday, from skipping the country.

Mr Veenendal, who has to surrender his passport, must report to the nearest police station three times a day, and inform the Newcastle magistrate within 24 hours of him moving into a his new home.

He may not contact any witnesses in the Namibian prosecution against him and will make himself available for trial within 48 hours if a decision is made to extradite him.

If the decision is not made within four months, the conditions will expire **ARG 4/9/92**

Mr Veenendal is wanted in Namibia on charges of murder, sabotage, arson, theft and illegal possession of weapons after a bomb blast at the Untag offices during independence. One person died in the blast.

Toise charged with Pro Jack murder

Surprise

ANC arrest

CT 5/9/92

By VETTE VAN BREDA

A PROMINENT ANC leader in the Western Cape was arrested at his home shortly after midnight yesterday and later appeared in court in connection with the murder of ANC activist Mr Mziwonke "Pro" Jack.



He is Mr. Christopher Toise, 59, of Brown's Farm Squatter Camp, Philipp, chairman of the Brown's Farm branch of the ANC, and vice-chairman of the Western Cape Squatters Association.

Mr Toise was also the "praise leader" at ANC president Mr Nelson Mandela's release in 1990.

Yesterday Mr Toise was released on R500 bail after a brief appearance in the Athlone Magistrate's Court.

Mr Jack was gunned down by balaclava-clad men when he was ambushed in his car near his Nyanga home in June last year.

There was an outcry in November last year when nine people, including four ANC youth league members, some of

MURDERED Activist Mziwonke "Pro" Jack

ARRESTED ANC squatter leader Mr Christopher Toise.

whom are allegedly MK members, were arrested on the same charges. The case against the nine was dropped in July this year.

Yesterday an ANC Western Cape spokesman, Mr Mziwonke Jacobs, said Mr Toise's arrest was another attempt to obscure "the real issue by bringing spurious charges against members of the ANC."

"It is not the first time that members of the ANC have been arrested in connection with the same murder,"

Police spokeswoman Major Denise Brand said police acted on investigations and on information received. "The court will decide on whether he's guilty or not — as in every other case."

Appearing with Mr Toise was a New Crossroads man, Mr Herbert Tshweza, 48.

Mr Tshweza is facing charges in connection with the murder of Mr Jack, the murder of dog-handler Constable Frans van der Merwe and seven charges of attempted murder.

The two men's hearing was adjourned to October 9.

Mr Toise's attorney, Mr Dawood Adam, said yesterday that Mr Toise had been told he was being arrested only in connection with the murder of Mr Jack.

The nine men who had the charges withdrawn appeared following the arrest of MK member Mr Patrick Ndumbisa in connection with a handgrenade attack on the home of ANC activist Mr Roseberry Sonto in November last year.

Police linked Mr Jack's death to that of Constable van der Merwe's after ballistics tests showed that the same R-4 rifle had been used to kill Mr Jack and the policeman.

Constable Van der Merwe was on patrol in Zola Budd Drive, Khayelitsha, when his vehicle was raked by gunfire in November last year.

Mr Tshweza was arrested after an R-4 rifle was allegedly found in a car beside his house.

Four cell deaths in one week

JOHANNESBURG — Four people have died in police custody this week.

Three people died in detention in Northern Transvaal on Thursday and an awaiting trial prisoner was found hanging in his cell at Durban's police headquarters on Wednesday.

The latest reported death was in Lebowa, where detainee Thabane had been arrested following the murder of a policeman and the robbery of R80 000 in pension money.

A second man died in a police vehicle while being taken to a doctor. A third man died under police guard in hospital. At Durban, Mr Tweni Masando, had been charged with robbery and attempted murder — Sapa

NEWS

Cell deaths: Police urged to act swiftly

KAIZER NYATSUMBA
Weekend Argus Reporter

(253)

ARCT 9/92

A PRISONER awaiting trial was found dead at the C R Swart Square police headquarters in Durban this week, bringing to 11 the number who have died in police custody since Johannesburg pathologist Dr Jonathan Gluckman alleged that police were killing people in detention.

Mr Tweni Masondo, who was facing charges of robbery and attempted murder, was found "hanging from a blanket" in his cell on Wednesday, according to the police.

His death came only a few days after a 28-year-old woman was found dead in a police station near Pretoria on Sunday morning, almost 10 hours after she had been arrested for shoplifting.

Northern Transvaal police spokesman Major Andrew Lesch later said the woman — a domestic worker at the neighbouring Villa Park — had ripped a blanket into strips and hanged herself from the bars of her cell. She was due to appear in court on Monday.

The latest cell deaths came three weeks after Law and Order Minister Mr Hernus Kriel announced that retired magistrates would be appointed to ensure the safety of people in police custody. So far, none have been made.

Making the announcement three weeks ago, Mr Kriel said once a core of six former magistrates had been appointed, the scheme would be broadened to include members of the community.

However, Law and Order Ministry spokesman Captain Craig Kotze confirmed yesterday that the appointments had not been made yet, but said the six magistrates had been approached and negotiations with them had begun.

While saying the ministry regarded deaths in detention "as a matter of urgency", Captain Kotze said it had to be remembered that most of those who died in police custody had done so from "natural causes and some had committed suicide".

"Our basic philosophy is that one death in detention is one death too many, but it is impossible for any police force in the world to avoid deaths in detention, given the number of people who pass through prison gates."

He said the appointment of the six retired magistrates would be made "within the near future", but would not give any time-frames.

The Democratic Party this week called on President De Klerk to take decisive steps to bring an end to deaths in detention.

Addressing the Union of Jewish Women in Johannesburg this week, DP Southern Transvaal chairman Mr Peter Soal said the death of people in police custody was "a scandal which requires urgent attention", and Mr FW de Klerk had to move swiftly to bring it to a speedy end.

He urged that judges preside over inquests into allegations that police were killing suspects in prison.

● Three people died in detention in the far northern Transvaal on Thursday and yesterday, and a prisoner awaiting trial was found hanging in his cell at police headquarters in Durban on Wednesday.

The latest reported death was in Lebowa. The detainee was one of five people arrested in connection with the murder of a policeman and the robbery of R80 000 in pension money at Mica.

Another died in a police vehicle while being taken to a doctor for an unidentified illness. A third died under police guard in the Nylstroom hospital after being admitted on Monday. He had complained of a sharp light in his eyes — Sapa.

Hunger striker breaks fast but still very weak

Weekend Argus Correspondent

(253)
ARG 5/9/92

PRETORIA. — Rightwing prisoner Leonard Veenendal is still "not out of danger" after a marathon 76-day fast.

His mother, Mrs Leonora Coetzee, said her son was "still very weak" and unable to stand.

"I am not sure when he will be discharged. He loses his breath when there are too many people around his bed. But he is in very good spirits."

Veenendal's wife Tracey said she and their eldest child, Lindsay, 7, hoped he would be discharged from H F Verwoerd Hospital in time for the expected birth next week of the couple's third child.

While not able to give Veenendal's exact weight, Mrs Coetzee said he had been "picking up weight steadily since he started taking fluids."

"I am making soup for him which he will be able to enjoy once he has been discharged," she said.

Veenendal began eating yesterday after being granted bail of R1 000 on Thursday night by a Supreme Court judge.

Witness tells in police cell

STimes 6/9/92

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By HEATHER
ROBERTSON

A TEACHER who says he saw police beating a mentally disturbed man in a police cell in Witbank says he was told not to worry about what he had seen because the officers were "just celebrating the rugby".

Mr Mark Phillips, the attorney representing the family of Samuel Matenjwa, 20, said that, out of 178 deaths in police custody since January 1 last year, this was the first that had been witnessed

A Witbank police spokesman, Lieut Andre van der Westhuizen, said Mr Matenjwa died in detention at 3.10am on Sunday, August 23

"He was transported by the South African Police on Saturday, August 22, at 7pm after being arrested by farmworkers on allegations of stock theft and housebreaking," he said

The circumstances surrounding the death are subject to a police investigation

An independent autopsy performed by pathologist Jonathan Gluckman last Thursday revealed that Samuel had been battered to death

The witness, who does

not want to be named, was at the Witbank police station on the Saturday evening to report a shooting incident

"While I was in the charge office next to the cell I heard someone making funny sounds I thought the man was drunk, but a black constable said the police hurt him like that," the witness told the Sunday Times

Naked

While the witness was waiting for his wife to fetch him, he saw Samuel writhing in pain

"His clothes and body were covered in blood and he was groaning. He asked to use the toilet and then he collapsed on the floor," the witness said

"I then saw a police reservist grab him by the neck and smash his head on the floor"

The reservist and a constable then allegedly took Samuel out of the office

"When he came back he was naked and his trousers were down at his ankles. As they were dragging him he was crying, and his ears, nose and mouth were

bleeding," the witness claimed

"One of the black policemen was very angry. He told the constable and the reservist to stop hitting him"

The witness said he heard a warrant officer tell the angry policeman that they should "stick together because the man he was trying to protect would steal his belongings and rape his wife"

When the witness left the charge office early on the Sunday morning, one of the white policemen said there was no need to worry about what he had seen — they were just celebrating the rugby

The teacher contacted Samuel's family after hearing the news of his death on television, and he subsequently made an affidavit about the assault to lawyers representing the family

The investigating officer in the case has been informed by Mr Phillips that the affidavit is available. Samuel's father, Mr Jan

Ntuli, said this weekend that a black constable at Witbank told him his son had been beaten to death by police

The last time the family saw Samuel alive was at 11am on Saturday, August 22

The next day police fetched Mr Ntuli's son, Michael, 21, from their home in Ackerville to identify Samuel's body

Stealing

Mr Ntuli was told by an investigating officer that Samuel had been killed by three black people and one white person on a farm

"He told me a farmer phoned the police to say that a person who was stealing sheep died there," Mr Ntuli said

Mr Ntuli said his son had been sent to Witkopjes mental hospital in July because he was having hallucinations

Police had shown him no evidence that his son had committed a crime

of beatings

Warders fired (253) two years after ^[Times Cape Town] strike 6/9/72

By DIANA STREAK

FIVE Pollsmoor Prison warders were this week dismissed two years after taking part in a national strike called by the Police and Prisons Civil Rights Union (Popcru) to protest against alleged racial discrimination in the service and working and prison conditions.

They received dismissal letters this week giving them one month's notice after Correctional Services Minister Mr Adriaan Vlok turned down a last-minute appeal.

Department spokesman Colonel Danie Immelman said the minister had turned down the appeals of 12 people employed at Pollsmoor Prison — seven of whom have been demoted.

"When a Regulation 77 investigation is conducted all relevant information is taken into consideration to decide on a member's suitability for further employment.

"Previous convictions of members are, inter alia, duly considered in this process," said Col Immelman.

Racist

Popcru said the explanation from the Commissioner of Correctional Services that the warders were dismissed because of their bad service records did not hold water.

"Their service records were never an issue before the strike."

Popcru members at Pollsmoor have requested an urgent meeting with Mr Vlok before September 16 to discuss the issue.

Vice-President Peter Loggenberg said the Correctional Services Department was "out of step with developments in the country."

"The police force has admitted and apologised for racist policies and said they will look into it."

"For Correctional Services to act now in this fashion is totally unacceptable," he said.

Popcru said its members were being punished for opposing apartheid while others who abused prisoners were treated lightly.

Oct 7 1994
**Man assaulted
in jail — ANC**

JOHANNESBURG. — A "political prisoner", Mthetheleli Ncube, was assaulted by a prison warden at the Pretoria Central Prison, the ANC alleged at the weekend.

The ANC said it would take the matter to "the highest level".

The Department of Correctional Services immediately denied the charge, saying Ncube had, in fact, assaulted a prison warden. — Sapa

the nation

in brief

Man dies in police cell 283

POLICE are investigating the death of a 22-year-old in a police cell in Prieska in the Northern Cape on Saturday.

swifem
The man was a suspect in a theft case.

He had been placed alone in the cell so he could not communicate with another suspect, police spokesman Lieutenant SM Slingers said in Pretoria yesterday.

7/9/92
The suspect was awake when an officer in charge of the cells checked on him at 11am. When the officer returned 30 minutes later, he found the man hanging by his scarf, police said.

Doubts over suicide

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Sowetan 7/9/92
■ DEATH IN CELL: Cops

By Monk Nkomo

THE family of a woman who allegedly stole torch batteries worth R6 and was later found hanged in a cell at a police station do not believe she committed suicide

Miss Johanna Rammantshwane (27) was found hanging in the cell at Wierda Bridge Police Station in Pretoria about 4am last Sunday.

A police spokesman said she apparently tore her blanket, tied it on to a bar and round her neck and hanged herself

Police spokesman Major Andrew Lesch said Rammantshwane was found in a kneeling position by a warder. A spokesman for her family said at the weekend they did not believe she had hanged herself

say woman hanged herself:

"Her clothes were soaked in water from the waist upwards when the body was handed over to us. That is why we do not believe she committed suicide.

"We suspect a cover-up by some officials. We are going to try and pressurise the authorities into holding an inquest as soon as possible," a spokesman said

Mr Jody Kollapen, a Pretoria attorney attached to Lawyers for Human Rights, confirmed yesterday they were handling the matter on behalf of the family

He said pathologist Dr Jonathan Gluckman conducted a post-mortem on Rammantshwane at the weekend.

Cell death brings week's toll to five

PRETORIA. — Police are investigating the death of a 22-year-old man who was found dead in a police cell in Prieska in the northern Cape on Saturday, SAP's public relations spokesman Lieutenant S M Slingers said here yesterday.

His death brings the toll of cell deaths last week to five. Three people died in detention in northern Transvaal on Thursday and an awaiting

trial prisoner, was found hanging in his cell at Durban's police headquarters on Wednesday. A man died in Lebowa on Friday following his arrest in connection with the death of a policeman.

The dead man at Prieska was a suspect in a case involving a theft at a store and was placed alone in a cell so that he could not communicate with another suspect, Lt Slingers said in a statement.

The man had been alive and well at 11am. When the investigating official returned at 11 30am, he found the man hanging by his scarf which was tied to the window.

The district surgeon was summoned immediately and he certified the man dead. A post mortem would be held shortly, but foul play is not suspected, Lt Slingers said. The deceased's next-of-kin have not yet been notified. — Sapa

253 CT 19/92

Another four die in police custody

By Bronwyn Wilkinson
and Dirk Nel

Four people have died in police custody since Thursday, bringing to six the number of custody deaths in the last seven days.

A 22-year-old theft suspect was found dead in a police cell at Prieska in the northern Cape within two hours of his arrest on Saturday.

Police spokesman Lieutenant Saul Slingers said the man, whose name has not been released, was found hanging by his scarf at about 11.30 am.

The man had been arrested at 9.40 am in connection with a theft at a shop.

He was put in a cell on his own so that he could not communicate with a 19-year-old suspect who was arrested with him.

When police checked on the man at 11 am, he was awake and "everything was in order", but at 11.30 he was found hanging from his

scarf, which had been tied to a window, Lieutenant Slingers said.

Three people died in custody in the northern and eastern Transvaal last Thursday.

A man who was being held for questioning in connection with the murder of a policeman during a pension payout robbery at Mica, near Hoedspruit, died at the Acornhoek police station.

Police spokesman Major Arno Vogel said no details on the death were available, but it was being investigated.

Police were called to a farm near Tolwe, about 40 km from the Botswana border, on Thursday morning, where an unidentified suspect was reported to be seriously ill.

Major Vogel said police took the man to hospital in their van, but he was certified dead on arrival.

A man who was awaiting trial in connection with a

● To Page 3

Four more people die in police custody

● From Page 1

burglary in Naboomspruit died under police guard in the Nylstroom Hospital.

Major Vogel said Samuel Kekane (22) had been arrested on July 9. He appeared in court on July 13 and August 31, before being admitted to the Nylstroom Hospital.

Major Vogel could not give any more details.

Last Wednesday, Tweni Masondo was found hanging from a blanket in his cell at the C.R. Swart police headquar-

ters in Durban, police said Mr Masondo was awaiting trial on charges of robbery and attempted murder.

Last Sunday, domestic worker Johanna Patricia Rammutshwana (27) was found dead in her cell at the Wierda Bridge police station near Pretoria, less than 10 hours after she had been arrested for stealing R6 worth of batteries. Police said Ms Rammutshwana had torn her blanket into strips and hanged herself from a bar in her cell.

The latest deaths bring to 17 the number of people who have died in custody since pathologist Dr Jonathan Gluckman went public on July 26 with allegations that police were killing people in custody.

According to Human Rights Commission figures, 90 people have died in custody this year.

Law and Order Ministry spokesman Captain Craig Kotze said last week that Minister Hernus Kriel was expected to make a statement on deaths in cus-

tody within the next two weeks. Mr Kriel was discussing the issue with attorneys-general and magistrates and had requested reports on all custody deaths in the past two years, he said.

● The ANC alleged on Saturday that a political prisoner, Mthetheleli Ncube, was assaulted by a warden at the Pretoria Central Prison. The Department of Correctional Services denied the allegation, saying Mr Ncube had assaulted the warden after an argument over a food parcel.

Federalism summit to kick off amid conflict

BILLY PADDOCK

GOVERNMENT'S federalism summit is set to kick off today amid a background of a likely conflict on the Ciskei border and the non-participation of the DP — long time federalism campaigner

Cabinet Ministers are adamant the conference is not a gang-up on the ANC and the patriotic front and are confident that there will be a good show of support at the Presidents in Pretoria

Ciskei leader Brig Oupa Gqozo will no longer attend the summit because of the threatened march on the Bisho capital but it is understood that there may be a delegation from his territory

The summit is planned to be the first of a series planned on regionalism and federalism and appears to be government's endeavour to show that it is not sitting back while the ANC is refusing to resume constitutional negotiations

The afternoon summit will be opened by President F W de Klerk at 2pm and then, depending on the decision of delegates, it will continue behind closed doors ending in a news conference at 5.30pm

It is understood that government will be putting forward more detailed plans of its regionalism proposals and trying to get the other parties to agree that this could represent a framework for negotiations.

It is known that Constitutional Development Deputy Minister Tertius Delpoit has been hard at work in the past weeks developing government's position. He presented portions of this at the NP Free State congress and will probably repeat this in more detailed terms. Apart from the NP and Inkatha none of the other major political role players will be involved in the summit

Public slanging widens gap

BILLY PADDOCK

FAILURE to reach agreement on the release of political prisoners and an amnesty has resulted in public slanging matches between the ANC and government which could widen the possibility of rapprochement

According to senior negotiators in both camps, the latest public criticisms cast around are likely to put a damper on the progress already made by Constitutional Development Minister Roelf Meyer and ANC secretary-general Cyril Ramaphosa

The government source said the two sides were "terribly close" to reaching agreement, but there was just not enough trust for the ANC to give the go-ahead despite the constructive relationship built between the two chief negotiators

"This is a pity and the latest round of public posturing is going to weaken that trust further and make it more difficult for the two to move forward quickly," he said

The ANC source said full bilateral talks would have been on the cards had government moved forward "on one crucial point rather than expecting us to accept them at their word"

Apparently Ramaphosa and Meyer had come close to clearing the prisoner obstacle, but on a crucial point the ANC had been told to wait until

BILLY PADDOCK

last Friday, when Cabinet could meet to decide on the issue. This was waiting two days after the NEC was due to end its meeting, requiring the ANC to trust Meyer would deliver

The NEC refused, seeing Meyer's request as provocative

The ANC source identified the crucial issue as the prisoner release programme and said had government agreed to the ANC's demand on this, the organisation would have taken on trust its intention to act on violence and secure the hostels

Phased

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Because both parties are bound by confidentiality, the exact point on which Meyer required the go-ahead from his Cabinet is not known

But it is understood Meyer had agreed to the release of the remaining 400-odd political prisoners in a phased manner on the basis of categorising types of crimes. He was also prepared to accept that the amnesty for government officials be handled by an interim government

However, he was insisting on doing the deal now and if there was a blanket amnesty for the ANC then this

should apply to government's security forces as well

The ANC expects a gesture of goodwill in the form of a unilateral release of identified prisoners. This would demonstrate government's sincerity and seriousness

However, government negotiators, and Justice Minister Kobie Coetsee in particular, say the release of categories of prisoners who are still being held will require specially negotiated agreements

Many of the "so-called political prisoners" were in fact common criminals trying to introduce political motives for their actions

"We just cannot sell this to our people," the government source said "If there is to be a closing of books, it will have to be on both sides"

If ANC operatives such as Magoo's Bar bomber Robert McBride must be released, then prisoners like Church Square mass killer Barend Strydom would also have to go free. Such drastic releases could only be done under the terms of an agreed amnesty for serious crimes not covered by the accords reached so far

The ANC says it finds government's proposals with regard to violence and the release of political prisoners inadequate

51 hurt as concert-goers go on rampage

gassing and dispersing members of the crowd



3 prisoners acquitted of killing cellmate

STAR 8/9/72 (253)

Court Report

Three prisoners were acquitted yesterday in the Rand Supreme Court of murdering a cellmate

Moegamat Elver van Doorsen had been beaten and kicked to death in a cell in the Johannesburg

prison on May 6 last year in an assault involving "considerable violence and major force".

Three other prisoners had told the court that Samuel Smith (21), Lincoln Davis (28) and Delphian Dutini (21) were responsible for the mur-

der, but Mr Justice J C Labuschagne said he could not find beyond reasonable doubt that the men were guilty

The accused had to be given the benefit of the doubt where there were discrepancies between their evidence and that of State witnesses

I took pictures in prison - photographer

By David Katz

A senior Weekly Mail photographer appearing in the Randburg Magistrate's Court yesterday changed his plea and pleaded guilty to taking photographs in a prison without permission.

Kevin Carter appeared with Weekly Mail trainee reporter Graham Harvey and former SA Prisoners' Organisation for Human Rights general-secretary Robert Lombard.

All three were charged under the Prisons Act with unlawfully entering a prison, talking to and photographing a

prisoner without permission, taking pictures within a prison without permission and trespassing at the Leeuwkop prison near Johannesburg.

The accused initially pleaded not guilty to all charges, but the lawyer for the accused, David Dyson, told the court that Carter had changed his plea on taking photographs within a prison to guilty. Magistrate S P Bezuidenhout accepted the changed plea and dismissed the same charge against Harvey and Mr Lombard.

The State also withdrew a

charge of taking pictures of a prisoner without permission

Commanding officer of Leeuwkop prison Brigadier John Harding told the court that on July 23 the three accused were found parked next to the logistics centre of the prison without the necessary authorisation.

Mr Dyson argued that the accused had been granted permission to enter the prison by the guard at the east gate

Carter told the court that he had gone to the prison with Harvey and Mr Lombard to investigate allegations that

prisoners were making weapons in the prison workshop that were then transported to Witwatersrand hostels

His assignment had been to take pictures of the workshop and to photograph a shooting range at the prison allegedly used by uniformed AWB members, he said.

The Weekly Mail had faxed a request to the Department of Correctional Services headquarters requesting it to conduct a spot check of the premises, Carter said

The trial was held over until tomorrow

STAR

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Prisons jobs axed to cut expenditure

By BARRY STREEK

THE government yesterday axed 1 600 reserve wardens and 34 temporary staffers, retired 689 employees from the Department of Correctional Services and suspended recruitment for the rest of the year as part of its "drastic" curtailment of expenditure

The Minister of Correctional Services, Mr Adriaan Vlok, said in a statement that recruiting would be stopped until the end of this year

In the spirit of the drastic curtailment of government expenditure and the reduction of the public service, the department had, after thorough consideration, decided to bring personnel expenditure down to affordable levels during the current financial year

The only temporary personnel who would not lose their jobs were those whose expertise could not be replaced from the department's own ranks

In addition, 689 employees over 50 years of age and with a minimum of 10 years' service would go into voluntary retirement by the end of November this year

"Decisions in this regard were taken with great responsibility, sensitivity, understanding and compassion for those affected by these measures," Mr Vlok said

Strategy to combat AIDS in prisons

EFF
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BLOOM 9/9/92
A STRATEGY for dealing with AIDS in prisons was announced by the Department of Correctional Services at a conference in Pretoria yesterday.

A report by the World Health Organisation said there were only nine other countries in the world which had adopted a national policy for managing AIDS in prisons.

Health Minister Rina Venter said while prisoners were incarcerated they were exposed to rape and assault, or they could have homosexual sex by consent — all of which could expose them to the virus

Venter said the problems associated with the medical management of AIDS patients were exacerbated by the nature of the prison community and the concentration of people, with

high-risk behaviour, such as intravenous drug use, in prisons

She said the new strategy — which was aimed at managing HIV infection in prisons with regard to testing, counselling, education and the training of prison staff — would reduce the risk of HIV-transmission

Leading AIDS expert Prof Ruben Sher advised that prisons should consider supplying condoms to prisoners. AIDS Support and Education Trust spokesman John Pegge pointed out that condoms were now provided in some prisons overseas

Prof Jan Naser of Unisa's Criminology Department said a review of other country's policies showed a major split and intense debate on the

KATHRYN STRACHAN

distribution of condoms and clean needles to combat the risk posed by intravenous drug use and unhygienic tattooing known to occur in prisons

But Correctional Services spokesman Gen Henk Bruun responded that it was not policy to supply condoms

Correctional Services Minister Adriaan Vlok told delegates that prison was not a breeding ground for AIDS. At present there were only 209 HIV-infected prisoners and 11 prisoners with full-blown AIDS, out of a prison population of 109 000. Statistically, those outside the prison walls were far more likely to be infected.

"It is therefore a pity that some people have the misconception that prison is a favourable breeding ground for AIDS and that the situation is out of control," said Vlok.

STAR 9/9/92

Jail 'not breeding ground for Aids'

Medical Reporter

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There are at present 11 prisoners with full-blown Aids and 209 with HIV, out of a prison population of 109 000, according to Correctional Services Minister Adriaan Vlok

Speaking at an "Aids in Prisons" seminar in Pretoria yesterday, he said prison was not a breeding ground for Aids

The reason for this was apparently because prisons were viewed as communities in

which homosexuality was practised. Statistically, those outside prison walls were much more likely to be HIV-infected

"Despite continued attempts to provide more information on the prison milieu, there is still much ignorance regarding the conditions and way of life in a prison," Mr Vlok said.

The seminar was organised by the Aids Programme of the National Health and Population Development Department in collaboration with the Correc-

tional Services Department

Since 1983 — when the first prisoner died of Aids — the department has been working closely with National Health and Population Development, according to Major R C Greyling, director of nursing services at Correctional Services

Currently 0,173 percent (about one in 532 people) of the general South African prison population was HIV-infected — against 0,8 percent (one in 40) among the general population

Public phone-in asks police, 'Prisons to halt 'gay-bashing''

AR 9/19/92 (253)

ROGER FRIEDMAN
Staff Reporter

RESPONDENTS to a phone-in survey by the University of Cape Town Institute of Criminology have alleged a lack of sensitivity by police and prison authorities in the treatment of lesbians, gays and bisexuals.

Callers alleged incidents from police beating a man caught "cruising" in a public toilet, to falsification of evidence, attempted bribery and rape of men charged with soliciting.

Three callers claimed prison warders refused to act to stop gay prisoners being gang-raped.

However, police spokesman Captain Attie Laubscher denied police were insensitive or discriminated against gays in any way.

"People who make allegations regarding police are welcome to lay formal complaints of misconduct at any police station," said Captain Laubscher.

"These allegations then can be investigated properly," he said.

A Department of Correctional Services spokesman said "Prisoners are regularly warned against gang and homosexual activities."

Homosexual activities were not tolerated in prisons and criminal and/or disciplinary steps were taken against transgressors.

Institute of Criminology researcher Mr Glen Retief is undertaking pilot research into homosexual victimisation or "gaybashing", particularly with regard to policing sexual minorities.

Similar research overseas indicated

that violence against gay people was far more widespread and severe than was commonly assumed, said Mr Retief.

A survey of 2 074 lesbians and gay men in England showed that 19 per cent had experienced some form of physical assault because of their sexual orientation.

In a particularly horrific case, two lesbian hikers in the Appalachian mountains were gunned down by a man who said he could not stand the sight of their making love in the forest. One of the women died.

President Bush recently signed into law the Hate Crimes Statistics Act which requires police to keep statistics on gaybashing and other so-called hate crimes.

Police forces in Sydney, London, Amsterdam and Los Angeles had started active recruitment programmes for gay police and had put special effort into arresting and prosecuting gaybashers.

While little research on the extent of homosexual victimisation had been carried out in South Africa, the testimony of counsellors and social workers indicated it was a widespread and continuous problem, said Mr Retief.

A preliminary scan of the phone-in results seemed to agree with those testimonies and "further research is definitely required."

The aim of the research was "to provide information which can inform positive policy development."

A truly democratic society with a bill of rights "demands a police force that is community based, accountable, and acts to protect fundamental human rights", said Mr Retief.

11 Aids cases in SA prisons

PRETORIA — There are 11 prisoners with full-blown Aids and 209 infected with the HIV virus, Correctional Services Minister Mr Adriaan Vlok said at a seminar on Aids in Prisons (25/9/92)

In South Africa 0,173% of the prison population of 109,000 are HIV-infected, speakers said

In New York city 17,4% of the prison population were HIV sero-positive and in Spain it was believed the incidence had reached 67% — Sapa

Bugged by a question of ethics

1119 - 17/9/92
The Weekly Mail's ethics have been questioned in a Prisons Act trial
Journalists By JACQUIE GOLDING

THE *Weekly Mail's* bugging of the office of the former Civil Co-operation Bureau chief, Staal Burger, reared its head in a different case at the Randburg Magistrate's Court earlier this week.

Weekly Mail chief photographer Kevin Carter, trainee reporter Graham Harvey and Robert Lombard, secretary-general of the South African Prisoners' Organisation for Human Rights, were appearing on charges of trespassing under the Prisons Act. The charges included unlawfully entering the prison complex without permission, communicating with a prisoner and photographing the prison building without the permission of Brigadier John Harding or the commissioner of prisons.

The Weekly Mail team entered the premises of Leeuwkop Prison in Kyalami on July 23 to investigate allegations that prisoners were forced by wardens to manufacture weapons in the prison workshops, allegedly for transport to hostels in the Vaal region.

It had also been alleged that Afrikaaner Weerstandsbeweging members were using the prison shooting range for target practice.

During cross-examination, prosecutor Shaun Mulligan questioned Carter on the ethics of journalism, referring to the *Sunday Times* editorial of September 6, which branded the bugging of Burger as "unethical" and as a breach of "the highest code of journalistic practice".

Carter said he did not regard the *Sunday Times* editorial as a reflection of the newspaper's entire staff. "It is the opinion of the editor and not that of his reporters," he said. "It is ironic that in the same issue of the *Sunday Times*, the front page story included a private letter 'leaked' to them involving Winnie Mandela and Daliso Mphahlele. The publicising of such a letter could also be regarded as unethical," he added. Mulligan argued that the "unlawfulness of a newspaper is judged by the community".

The question of ethics does not affect this case of lawful or unlawful entry into the prison complex," he said. Earlier in the week, Sergeant J.L. Lebitsa, who was guarding the east gate of the prison when *The Weekly Mail* team sought the question of whether the *WM* was highly regarded by other newspapers was "hearsay opinion".

"The question of ethics does not affect this case of lawful or unlawful entry into the prison complex," he said. Earlier in the week, Sergeant J.L. Lebitsa, who was guarding the east gate of the prison when *The Weekly Mail* team sought the question of whether the *WM* was highly regarded by other newspapers was "hearsay opinion".

Calling all dreamers.



Do you dream of unspoilt, sundrenched beaches, as far as the eye can see? Of pristine white sands dotted with palms?



Do you dream of the bluest of seas, warm with the Indian Ocean current and laden with blue marlin and coral reef teeming with exotic tropical fish?



Do you dream of snow-capped bold peaks, majestic above the high savannah? Of four-wheel safaris through the tall



grassland... with cheetah and lion just alongside?



'We do all that we can to ensure safety of inmates'

STAR 12/19/72
GENERAL Malan's office offered this comment on Saturday Star's inquiry. It must be pointed out that in the case of any death in detention, members of the SA Police will be questioned concerning the circumstances surrounding such death. If a policeman is suspected of a criminal deed, the inquest docket will be changed to a criminal one.

In every case of death in detention a very senior officer, and if possible, the regional commis. one, will visit the scene and determine exactly what happened. (253) (8-15)

"Every case of death in detention is investigated by an experienced officer and in most cases, a formal inquest conducted - no covering up is therefore pass-

ble. Members contravening the law by assaulting prisoners or who are responsible for unnecessary violence during arrests are dealt with harshly and immediately if any prima facie evidence is obtained, in order to discourage such behaviour. Senior officers and appointed retired magistrates may and do visit prisoners at any time in order to determine whether they are properly treated.

Everything humanly possible is being done to make suicide in custody almost impossible. The police study reports by scientists researching the subject and implement all possible solutions. There is nothing which can be done to prevent deaths due to natural causes.

SIX WEEKS after Dr Jonathan Gluckman charged police with responsibility for deaths in custody, there has been no slowing down

And still they're dying

51 AM 12/9/92
(253)

Chief Reporter
JOHN PERLMAN
assesses police response to deaths in custody in terms of undertakings given to date — and finds progress slow.

ONE month after rocking the country with his allegations of police mistreatment of prisoners, pathologist Dr Jonathan Gluckman was quoted as saying "It is not stopping. It is not slowing down."

Last week, six weeks after he had charged the South African Police with responsibility for "90 percent" of the deaths for which he had conducted post-mortems, another four people died in custody.

All told, at least 15 people have died since Gluckman's public stand and the flurry of police activity that followed it. Of these, eight people hanged themselves, according to police

— more than half, a marked increase on the year's average of nearly 28 percent. One man fell four floors to his death, one was shot while trying to escape, three died of illness and one from "numerous injuries". Bongani Makhubela, who died on the day that Gluckman went public, was killed by a blow on the head — according to Gluckman who performed the autopsy four days later. The Human Rights Commis-



TAKEN INTO CUSTODY Despite public alarm and expressions of reassurance from the authorities, cell deaths are continuing

January 1991. His findings have not been released. On August 11, Kriel announced that he would be appointing six magistrates to head an inspectorate that would monitor the conditions of people in police custody. The inspectorate would draw on other members of the community as well. The magistrates have not yet

'We do all that we can to ensure safety of inmates'

of the Minister's three responses that can really be assessed Saturday. Star sent written questions to Malan, and also made inquiries about the 15 deaths to the police at regional level. The long process of post-mortems, forensic tests and the wait for inquest dates appears to be unavoidable. It is there-

docket has already been forwarded to the Attorney-General. But the dead man's father, also Victor Manuel, says that neither he nor his wife has been questioned. This is strange, given that both Victor and Connie Manuel publicly alleged that two white policemen at Brixton threatened to kill her son. Connie Manuel says she



TAKEN INTO CUSTODY Despite public alarm and expressions of reassurance from the authorities, cell deaths are continuing

can Police with responsibility for "90 percent" of the deaths for which he had conducted post-mortems, another four people died in custody.

All told, at least 15 people have died since Gluckman's public stand and the flurry of police activity that followed it.

Of these, eight people hanged themselves, according to police — more than half, a marked increase on the year's average of nearly 28 percent. One man fell four floors to his death, one was shot while trying to escape, three died of illness and one from "numerous injuries".

Bongani Makhubela, who died on the day that Gluckman went public, was killed by a blow on the head — according to Gluckman who performed the autopsy four days later.

The Human Rights Commission maintains that 90 people have died in police custody this year. The continuing deaths in custody brings under renewed scrutiny the steps Law and Order Minister Henrus Kriel promised to reassure the country that the police were not out of control, as Gluckman claimed.

On July 30, Kriel said that every death in police custody would be probed by a police general. "In future, a member of the General Staff will personally, under the command of Lieutenant-General J. P. E. Malin (head of visible policing), give attention to each case of death in custody and assure himself that all orders have been strictly obeyed and that steps immediately be taken if any irregularity is suspected," Kriel said.

Kriel also said that after meeting Gluckman back in February, he had called for a comprehensive investigation into all deaths in custody since

'We do all that we can to ensure safety of inmates'

GENERAL MONTGOMERY said that the Magistrates' court on Tuesday morning had ordered that the bodies of the three men who were hanged in the Port Elizabeth prison must be buried in the cemetery. He said that the bodies would be buried in the cemetery on Tuesday morning.

The Magistrates have not yet been appointed Law and Order spokesman Captain Craig Kotze said the six men had been "identified".

"We should be in a position to announce something fairly shortly," Kotze would not comment himself to a specific deadline on the inspectorate nor on a date for a public statement on Kriel's findings in regard to Gluckman's allegations. Describing Kriel's probe — which has now been going on for seven months — as "large and complex", Kotze said there were "certain difficulties involved".

At the end of August, however, Kriel gave what seemed to be a clear indication of his likely conclusions. "My own opinion is that any death in custody is regrettable. But to come to the conclusion that these deaths are through police brutality, that I am not prepared to accept."

Asked whether this was a reflection of the Minister's thinking on Gluckman's allegations, Kotze said "What he was saying he cannot accept is the impression created by Dr Gluckman that every death in police custody is the result of police brutality, that people are being murdered left, right and centre. Anyone with an ounce of logic will realise that some people will die of other causes in police custody."

With the magistrates not yet appointed, then, and Kriel's findings on Gluckman's allegations still pending, General Malan's scrutiny of the 15 most recent deaths is the only aspect

of the Minister's three responses that can really be assessed Saturday Star sent written questions to Malan, and also made inquiries about the 15 deaths to the police at regional level.

The long process of post-mortems, forensic tests and the wait for inquest dates appears to be unavoidable. It is therefore not surprising that the general cannot at this stage produce definite findings on all of these deaths.

However, despite Kriel's undertaking that Malan will ensure scrutiny at the highest level, the general still appears to be crucially dependent on information from the local level.

The death of Johanna Ramushwana, a woman suspected of stealing torch batteries worth R6 who police say hanged herself at Pretoria's Wierda Brug station, is being investigated by a Lieutenant Kluitas at Wierda Brug. And the death of Victor Manuel, who fell four storeys to his death on July 28 while in the custody of the Brinxton Murder and Robbery Unit, is being investigated by Captain Tienie van der Linde of the same unit.

The implications of this for the Manuel case are particularly troubling. According to a spokesman from Brinxton, a docket has already been forwarded to the Attorney-General. But the dead man's father, also Victor Manuel, says that neither he nor his wife has been questioned. "This is strange, given that both Victor and Connie Manuel publicly alleged that two white policemen at Brinxton threatened to kill her son. Connie Manuel says she was told "You must know that you will have to wear a black dress. Even if we have to search for him for the whole month, we're going to kill him."

There are also inconsistencies in Malan's implementation of his brief "that steps immediately be taken if any irregularity is suspected", as Kriel put it. This was clearly done in the case of Abel Montoeh, a theft suspect who died in the Vredefort police station on July 30, 12 hours after being taken in. According to police, he died of "numerous injuries". Two weeks later, four policemen were suspended.

However, in the case of Bongani Makhubela, who died in Vosloorus on July 26, no such action has been taken, despite the pathologist's finding that he died of a cerebral haemorrhage as a result of a blow to the head.

Gluckman himself was not available for comment. He is in hospital undergoing tests

The roll call of death since pathologist cried 'foul!'

No 1: July 26 — Bongani Makhubela (24) died in custody at the Vosloorus police station after his arrest for allegedly stealing a policeman's gun. According to Gluckman, his death was caused by a blow to the head. Both he and the State pathologist agreed to further tests. No policemen have been suspended.

No 2: July 28 — Victor Manuel fell to his death down the stairwell of a Hillbrow flat while in the custody of the Brinxton Murder and Robbery Unit. A docket has been sent to the Attorney-General. Police say Manuel, who was suspected of robbery, was trying to

escape. His parents say police threatened to kill him.

No 3: July 30 — Ambrose Xola Macakathi, a 30-year-old murder suspect, died at a Soweto police station. Police say he hanged himself after writing a letter to his sister saying he had "done something bad" and would not be returning home. Macakathi also said she should withdraw his savings and use them for herself.

No 4: August 6 — Abel Montoeh, a theft suspect, died at Vredefort police station 12 hours after being taken in. Cause of death was "multiple injuries with bleeding at the base of the brain". Four police

men have been suspended and murder is being investigated. Montoeh had filed a suit against the Minister of Law and Order for an assault allegedly carried out last January.

No 5: August 9 — Grant Mankwani (21) was held at Hunnewood police station in Port Elizabeth for drug dealing. Police say he hanged himself. The investigation is not yet complete.

No 6: August 10 — De Wet Merung (42) died at Louis le Grange Square in Port Elizabeth. The post-mortem result is not yet available, but police said he was an asthma sufferer and was heavily intoxicated at the time of his arrest.

No 7: August 10 — Danstle Daniel Stoffie (32) was found hanging from a pair of socks in his cell in Molenho. He was a murder suspect.

No 8: August 18 — Mabandla Wihana (24) died in a Port Elizabeth hospital. A former member of Umkhonto we Sizwe, he had been arrested for possession of an automatic rifle and two other firearms. Police say he died of liver cancer and hepatitis B.

No 9: August 23 — Joseph Mphahlele, suspected of rape and theft, hanged himself in his cell in Blunk pan, eastern Transvaal, 12 hours after his arrest. Police say he used his shoelaces and underclothes

to escape from a police vehicle in KwaMashu, Durban. The South African Police referred inquiries to KwaZulu The KwaZulu Police referred inquiries to the SAP.

No 12: August 30 — Joanna Patricia Ramushwana, a 27-year-old domestic worker who allegedly stole batteries worth R6, was found hanging in Wierda Brug police station, Pretoria. Police say a family member told them Ramushwana had twice attempted suicide.

No 13: September 2 — Twem Masondo, an awaiting-trial prisoner at C.R. Swart in Durban, was found hanging by his blanket. The investigation has not yet been completed.

No 14: September 3 — Magde Luxon Gunnede (25) died in the custody of Lebowa police, who say he became ill while being transported.

No 15: September 5 — Jacob Cor (23) was found hanging from a scarf in his cell at Priska. He was suspected of theft.

CT 12/9/92

Gluckman lists 53 cell 'killings'

By BARRY STREEK
Political Staff

DR Jonathan Gluckman, the pathologist who recently alleged that detainees had been murdered while in police custody, has handed details of 53 cases to the police and held discussions with three attorneys-general

The International Red Cross is to be given access to suspects in police custody and the number of former magistrates appointed to monitor detainees is to be doubled to 12

These steps were announced yesterday by the Minister of Law and Order, Mr Hernus Kriel, to keep deaths of suspects in police custody "to an absolute minimum"

The first six magistrates have already been appointed and their names are to be released soon

The Human Rights Commission has stated that 90 people have died in police custody since the beginning of 1992, and more than 20 since Dr Gluckman alleged on July 26 that police routinely murdered suspects

Mr Kriel said he was still fully committed to his pledge, made after news-

paper reports in which Dr Gluckman had made his allegations, to reply in full "but, due to a number of factors, I am at this stage not able to do so"

The attorneys-general of the Witwatersrand, Transvaal and Free State had held discussions with Dr Gluckman

Mr Kriel said Dr Gluckman had consented to give the police a list of 130 names of people who, since 1986, had allegedly died in police custody under suspicious circumstances. He had already given police the details of 53 cases.

The police and the attorneys-general were giving "urgent attention" to the documents, photostats of which had been provided.

Negotiations were under way for the International Red Cross to have representatives visit people in custody in addition to the monitoring by former magistrates

Mr Kriel said the police were also analysing cases of suicide in custody to determine if further steps could be taken to prevent "these tragedies". He would also ask the monitors to make recommendations

Kriel to name jail monitors

STAR 12/19/92
253
JOHN PERLMAN

WITH deaths in police custody in the spotlight again after four such fatalities last week, Law and Order Minister Herrius Kriel yesterday said that the names of former magistrates who would monitor detention conditions would soon be announced.

While he "remained fully committed" to answering charges levelled six weeks ago by pathologist Dr Jonathan Gluckman — that police were responsible for many deaths in custody — he was "at this stage unable to do so", he said.

Negotiations with the magistrates were complete.

The number of monitors would be doubled to 12 "as soon as possible". Negotiations with the International Red Cross with a view to "involving the community in such monitoring actions" were also in progress.

Kriel said he could not respond in full to Gluckman's allegations "due to a number of factors". However, the attorneys-general of the Witwatersrand, Free State and Transvaal had held discussions with Gluckman, who had provided police with a list of 130 people who since 1986 had died "under suspicious circumstances". Kriel said Gluckman had already pro-

● TO PAGE 2:

Monitors

● FROM PAGE 1.

vided documentation on 53 cases.

Since Gluckman went public on July 26 with his claims of police abuse of prisoners, another 15 people have died in custody. Police say eight committed suicide.

Kriel said police were analysing suicides in custody "to determine if further steps, over and above existing measures, can be taken to prevent these tragedies".

Gluckman, in hospital for tests since last weekend, was unavailable for comment.

DP justice spokesman Tony Leon said Kriel had "clearly taken some of the criticisms to heart. But the disturbing thing is that after the first shock of Gluckman's allegations, one would have expected deaths in custody to de-

crease. In fact they have gone up sharply.

"One wonders if these measures will be enough to have an effect. Somewhere along the line there seems to be a communication problem in the police," Leon said. "While the Minister and some of the generals seem to have commendable intentions, this does not seem to have permeated down into the force. Whether 12 monitors trying to cover the whole country will make a difference is open to question."

Leon criticised Kriel for not responding to Gluckman's allegations in detail despite the fact that the Minister had been presented with them in February. "My colleagues and I are worried and frustrated by the fact that where government departments are confronted with most serious allegations, there is an inordinate delay in getting a response."

Prison mutiny

SOME 50 inmates staged a mutiny in a prison in Nimes, France, yesterday, angered after family visits were cancelled because warders went on strike. *S Times 13/9/92*
The strike followed the killings of warder Marc Dumont, 42, in a shootout during a mass breakout on Friday at Clairvaux prison, 180km southeast of Paris. *(253)*

Warders protesting outside Nimes prison blocked the exits after inmates broke through their cell doors and started fires.

of the benefits it would have had if

Prison monitors to increase

STEPHANE BOTHMA

THE number of magistrates appointed by Law and Order Minister Her-nus Kriel to monitor detainees in police custody would be doubled soon, his department said at the weekend

Kriel announced that negotiations regarding the appointment of six retired magistrates had been completed and their names would be announced shortly

"In order to increase the effectiveness of this measure, I have decided that the number of these monitors should be doubled as soon as possible to 12 persons," he said

Kriel and the International Red Cross were also negotiating visits by the organisation to prisoners

Kriel said the SAP was busy with an intensive analysis of suicide cases in custody to determine if steps, over and above existing measures, could be taken to prevent such incidents. Monitors would be asked to give

urgent attention to the aspect of suicide and to make recommendations to the Minister

Regarding claims by independent pathologist Dr Jonathan Gluckman that alarming numbers of detainees were dying of unnatural causes in police custody, Kriel stated: "I still remain fully committed to my pledge to reply in full to his allegations, but due to a number of factors, I am at this stage not able to do so."

He said the attorneys-general of the Witwatersrand, Transvaal and Free State had had discussions with Gluckman, who had consented to make available to police a list of 130 names of people who had allegedly died in police custody under suspicious circumstances since 1986

To date Gluckman had provided details and documentation regarding 53 cases, Kriel said.

Attorneys welcome new-style courts

TIM COHEN

PRETORIA — The attorneys' journal De Rebus has welcomed the introduction of short process courts, suggesting they might become as popular as small claims courts.

Short process courts, essentially magistrates' courts with simplified procedures, are likely to reduce legal costs significantly.

The September edition of De Rebus, in an editorial, said the involvement of practitioners in the operation of short process courts would help improve the image of the profession

According to statistics supplied by members of the Association of Law

Society's branches, more than 1 400 cases are heard every month in the small claims courts. The same opportunities to help people and thereby improve the image of the profession and gain experience in adjudication appeared to be inherent in short process courts, the editorial said

Taking part in the process of adjudication would be important in preparing attorneys for appearances in the Supreme Court and for when judicial members would be drawn from their ranks, the editorial said

Groups meet to end train killings

RAY HARTLEY

POLICE, the ANC, Cosatu, Civic Associations of the Southern Transvaal (Cast), SACP and SA Rail and Commuter Corporation representatives agreed at the weekend to meet within three weeks and plan a strategy to end train violence.

The six groups decided to consult their constituencies for fresh ideas before the meeting, scheduled for early October.

Cosatu spokesman Amos Mavondo said ANC-aligned organisations believed police were not dealing with the problem adequately. "There is no overall strategy that is acceptable to all parties. We hope that at this meeting some clear guidelines will be given," he said.

The number of police deployed on trains and at stations had tripled to 1 201 since May, but only five people had been arrested for violence against commuters.

Of the five arrested, four were "linked to hostels", pointing to a pattern which the police had not investigated adequately, he said.

SA Rail and Commuter Corporation MD Wynand Burger said he was happy with the meeting. "We've made good progress."

The SARCC presented four alternatives to improving station security, including a system using magnetic detection and closed-circuit TV. The systems would be tested soon, it said.

Vertical text on the left margin: "The number of magistrates appointed by Law and Order Minister Her-nus Kriel to monitor detainees in police custody would be doubled soon, his department said at the weekend Kriel announced that negotiations regarding the appointment of six retired magistrates had been completed and their names would be announced shortly"



(204) (253)
'Prisoners

**go free, or
CT 15/9/92
no summit'**

Political Staff

JOHANNESBURG —
The summit on violence between President F W de Klerk and ANC president Mr Nelson Mandela will not get off the ground this month because the organisation insists on prisoners first being released

A senior ANC negotiator close to the one-on-one talks between Constitutional Development Minister Mr Roelf Meyer and ANC secretary-general Mr Cyril Ramaphosa said this yesterday following the first day's meetings.

"We want to first see our prisoners walk free. Not necessarily all of them but at least some, which we have identified, before we will go to the summit," he said

He also revealed that the current talks would be broadened into full bilateral meetings

He added the 2½-hour meeting yesterday was mostly procedural and set the agenda for today's serious negotiation on the ANC's three demands. The meeting would in all likelihood spill over to tomorrow

Prisoner's death mix-up

■ Police claim several telegrams were sent - family says they were not received:

By Russel Molefe

(253)

A PRISONER at Pretoria Prison died and his body was kept in a State mortuary for a month without the family being told about his death, *Sowetan* learnt yesterday

Mr Johannes Maake, of Mahwelereng near Potgietersrus, who was serving a 15-year sentence, died early last month of natural causes after being admitted to HF Verwoerd Hospital.

The family became aware of his death after the sister of another prisoner, also from Mahwelereng, visited the prison last Monday and was asked about Maake's funeral. The woman then told Maake's family of his death

The family later contacted prison authorities who confirmed his death. According to sources, Maake was about to be buried by the Department of Correctional Services as a pauper.

However, a spokesman for Department of Correctional Services, Brigadier A van Zyl, said yesterday Maake was admitted to the hospital after losing consciousness, and the family was informed of his illness via a telegram sent to an address of his next-of-kin given by Maake when he arrived at the prison.

Another telegram was sent to the family informing them of his death, he said. The family denied receiving them.

Meanwhile, it has been claimed that a suspect died Friday after being assaulted

by members of the SA Police and later placed in custody of Lebowa police.

Eyewitnesses said SA policemen arrested Mr Luxon Gumede (45), a suspect in a robbery case, at Foskor in Phalaborwa and assaulted him before bundling him into a car.

Lebowa police spokesman Major ML Tiomatsana said yesterday that Gumede, of Mhala village, was handed over to them by the SAP on Thursday.

He died the next day after complaining of chest pains, and an inquest docket was opened "as a matter of urgency", he said. SAP spokesman in the Far Northern Transvaal, Captain WF Voight, denied Gumede was assaulted and said he died of a "normal heart attack".

Prison deaths continue; not slowing — Gluckman

JOHN PERLMAN

Weekend Argus Correspondent

JOHANNESBURG — One month after rocking the country with his allegations of police mistreatment of prisoners, pathologist Dr Jonathan Gluckman says "It is not stopping. It is not slowing down."

Last week, six weeks after he had charged the SAP with responsibility for 90 percent of the deaths for which he had conducted post-mortems, another four people died in custody.

At least 15 people have died since Dr Gluckman's public stand and the flurry of police activity that followed it. Of these, eight people hanged themselves, according to police, an increase on the year's average for similar deaths of nearly 28 percent.

One man fell four floors, one was shot while trying to escape, three died of illness and one from "numerous injuries".

Bongani Makhubela, who died on the day that Dr Gluckman went public, was killed by a blow on the head, according to Dr Gluckman who performed the autopsy four days later.

The Human Rights Commission maintains that 90 people have died in police custody this year. The continuing deaths in custody brings under renewed scrutiny the steps Law and Order Minister Hennis Kriel promised to reassure the country that the police were not out of control.

On July 30 Mr Kriel said every death in police custody would be probed by a police general.

Mr Kriel also said, after meeting Dr Gluckman in February, he had called for a comprehensive investigation of all deaths in custody since January 1991. His findings have not been released.

On August 11 Mr Kriel announced he would be appointing six magistrates to head an inspectorate that would monitor the conditions of people in police custody. The inspectorate would draw on other members of the community as well.

The magistrates have not yet been appointed. Law and Order spokesman Captain Craig Kotze said the six men had been "identified".

"We should be in a position to announce something fairly shortly."

10 SEP 1992



REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA

Staatskoerant Government Gazette

Regulasiekoerant

No. 4936

Regulation Gazette

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Vol 327

PRETORIA, 1 SEPTEMBER 1992

No. 14260

PROKLAMASIE

van die

Staatspresident

van die Republiek van Suid-Afrika

No. R. 99, 1992

WYSIGINGSWET OP AANGELEENTHEDE RAKENDE KORREKTIEWE DIENSTE EN TOESIG, 1991 (WET No 122 VAN 1991)

Kragtens artikel 50 van die Wysigingswet op Aangeleenthede rakende Korrektiewe Dienste en Toesig, 1991 (Wet No 122 van 1991), bepaal ek hierby **1 September 1992** as die datum waarop artikel 41 (a) van genoemde Wet, in soverre dit paragraaf (i) by artikel 276 (1) van die Strafproseswet, 1977 (Wet No 51 van 1977), voeg, in werking tree ten opsigte van die gebiede van die landdrostdistrikte Aberdeen, Clanwilliam, Ellisras, Fouriesburg, Messina, Namakwaland, Potgietersrus, Schweizer-Reneke, Soutpansberg, Standerton, Thabazimbi, Virginia, Vredenburg, Vredendal, Walvisbaai, Waterberg, Waterval-Boven en Wesselsbron

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Een-en-dertigste dag van Augustus Eenduisend Negehoenderd Twee-en-negentig

F. W. DE KLERK,

Staatspresident

Op las van die Staatspresident-in-Kabinet

H. J. COETSEE,

Minister van die Kabinet

55449—A

PROCLAMATION

by the

State President

of the Republic of South Africa

No. R. 99, 1992

253

CORRECTIONAL SERVICES AND SUPERVISION MATTERS AMENDMENT ACT, 1991 (ACT No 122 OF 1991)

Under section 50 of the Correctional Services and Supervision Matters Amendment Act, 1991 (Act No 122 of 1991), I hereby fix **1 September 1992** as the date on which section 41 (a) of the said Act, in so far as it adds paragraph (i) to section 276 (1) of the Criminal Procedure Act, 1977 (Act No 51 of 1977), shall come into operation in respect of the areas of the Magisterial Districts of Aberdeen, Clanwilliam, Ellisras, Fouriesburg, Messina, Namakwaland, Potgietersrus, Schweizer-Reneke, Soutpansberg, Standerton, Thabazimbi, Virginia, Vredenburg, Vredendal, Walvis Bay, Waterberg, Waterval-Boven and Wesselsbron

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirty-first day of August, One thousand Nine hundred and Ninety-two.

F. W. DE KLERK,

State President

By Order of the State President-in-Cabinet

H. J. COETSEE,

Minister of the Cabinet

14260—1

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APR 16/9/92
**Prison warder
shoots himself
at Pollsmoor**

ANDREA WEISS
Staff Reporter

(253)

A PRISON warder shot himself in his car outside Pollsmoor prison today.

A spokesman for the Department of Correctional Services, said Sergeant Jan Etsebeth, 27, shot himself at 8.50am.

Sergeant Etsebeth reported for duty today after an extended leave period. He was issued with a service pistol and returned to his car where he shot himself in the head.

He was taken to hospital where his condition was said to be "very critical".

In July, Sergeant Etsebeth was found guilty of assaulting maximum security prisoner John Dilo with intent to do grievous bodily harm. He was fined R500.

Dilo died after Sergeant Etsebeth broke up a gang fight.

The Wynberg Regional Court found it could not be proved whether Dilo died from injuries sustained during the fight or from the baton blows inflicted by Sergeant Etsebeth.

Terrorism cases 'consolidated'

253

Political Staff
THE police confirmed yesterday that they had consolidated all unsolved cases of terrorism and sabotage — including the 1983 Church Street bombing in Pretoria and the explosions at key anti-apartheid

buildings — to try and solve them.
But the police denied this move was aimed at the ANC and said it involved all unsolved cases, whether the suspects were ANC, Azanian People Liberation Army or right-wing.

The ANC, however, said the move was a cynical attempt to pressurise the ANC to accept a blanket general amnesty.
Captain Craig Kotze, a spokesman for the Ministry of Law and Order, said there were "far more" than

17 cases, as initially reported.
CT 17/9/92
The ANC said the investigations reportedly concerned events that occurred prior to its unbanning, and involved people who were granted indemnity.

Cop guilty of killing detainee

PRETORIA — A police constable was yesterday found guilty of murdering a detainee at the Central police station here in 1990

A second constable was convicted of assaulting the detainee, who was beaten and kicked to death

Andries Jacobus Strydom, 26, and Andries Jacobus Greyling, 25, have both been suspended from the force

The detainee, 28-year-old Mr Michael Nkabinde, died of a brain haemorrhage at the HF Verwoerd Hospital

Several witnesses testified they had seen Strydom assaulting Mr Nkabinde at the police station after a knife was apparently found on him. They saw Strydom hitting and kicking Mr Nkabinde and hitting his head against a counter

CT 18/9/92 (253)
Strydom also stepped on Mr Nkabinde's private parts and sprayed him with teargas when he was already unconscious

Strydom said he had lost his temper when Mr Nkabinde tried to stab Greyling with a knife. He claimed he had not deliberately murdered him

He ignored requests by his colleagues to stop

The hearing continues. — Sapa

Shock at bail for 'killers'

CT 19/9/92

Staff Reporter

(253)

POLICE have expressed dismay at the granting of bail this week to a man and a 17-year old youth who were arrested after allegedly being involved in a shooting spree and the death of an 18-month-old toddler — while out on bail for another offence.

The two appeared in the Mitchells Plain Magistrate's Court this week on two charges of murder and two of attempted murder and were granted R2 000 bail.

The men were earlier granted bail after their arrest in connection with a grenade attack on a police patrol in Khayelitsha on June 22.

Police claim that while out on bail the men allegedly

- Shot a man they thought was a police informer on August 27 in Khayelitsha,

- Shot dead an 18-month-old toddler during a robbery at a shop in Khayelitsha on August 29;

- Wounded two men in a shooting incident on September 9 in Khayelitsha, and

- Shot dead a man in Khayelitsha last weekend.

A senior police source said yesterday that there was a high incidence in the Western Cape of people "jumping bail".

Another senior police source said that it was an "open secret" that there was unhappiness with some of the bail applications that were granted.

But deputy attorney-general Mr J C Gerber said yesterday that he was happy that the bail application had been "dealt with properly".

The prosecutor had obviously been aware of the fact that there were murder charges against the men, he said.

Killing time on Death Row

STimes 20/9/92.

The moratorium on executions is creating its own problems.
CATHY STAGG reports

MORE than 250 prisoners on Death Row are preparing for a future the law has already decreed they do not have.

But the 272 men who have been sentenced to death are banking on the fact that no one has gone to the gallows since November 14 1989 because of the government's moratorium on executions.

Some are studying long-term courses, while others have adopted pet birds and are teaching them to talk

Regular Death Row visitors say the men suffer mood swings, from severe depression to anxiety. At times they express optimism that, although they are legally just one step from the gallows, they will not hang.

Traditionally, Death Row has meant only the special section of Pretoria Central's maximum security section, where those sentenced to death were held before execution.

But as judges continue to impose death sentences that are no longer carried out, other accommodation has had to be found

Pretoria Central houses 248 of them while the rest are in prisons elsewhere in the country.

In Pretoria, most of the condemned men occupy single cells, but a group of 55 are in 11 communal cells.

All 272 have exhausted every legal remedy. No appeal can alter their fate, the State President cannot extend clemency and commute their sentences

Their sole hope lies in constitutional change that could alter their status

Justice Minister Kobie Coetsee spelt out the government's position in March and has not issued any further statements. The latest indication of the government's thinking on the topic came this month during the NP's Free State congress Deputy Justice Minister Danie Schutte said the government favoured the retention of the death penalty because there were crimes so abominable that it was the only suitable punishment

He said it would be inappropriate to apply the death penalty while negotiations on a new constitution and bill of human rights were in progress, as the government could not act unilaterally.

Meanwhile, lawyers have spoken out about how undesirable it is to leave the situation in limbo.

In April, in an article in the advocates' journal *Consultus*, the SA Bar Council said that while large-scale hangings were out of the question, the

legislature's problem was that it had to give expression to public feeling — and the majority of all race groups appeared to be in favour of retaining the death penalty, particularly because of the shockingly high amount of violent crime

The man-in-the-street's attitude can perhaps be gauged by the reaction of the public gallery in a Maritzburg case last month. They applauded when the death sentence was handed down

A number of judges have also spoken out publicly about their untenable situation

In May Mr Justice PJ van der Walt said he was not prepared to function in a vacuum.

"If I think the death penalty is the only appropriate sentence, then the community must have certainty that — provided I have not made an error on the facts — that sentence will be carried out. To impose a death sentence which will not be executed for years is not civilised as far as I am concerned," he said.

On May 27 Mr Justice MJ Strydom asked why, if the death penalty was going to be abolished, he should have to perform one of the most unpleasant duties expected of a judge.

It was high time a final decision was taken on the death penalty, he said.

And this week Mr Justice Hattingh said he was distressed that violent crime had increased since the moratorium on the death sentence was announced, and doubted that the death penalty had the same deterrent effect as before

Many academics question the effectiveness of the death penalty as a deterrent.

The chairman of the Pretoria chapter of the Abolitionists' Society, Professor Jan van Rooyen, said the number of capital crimes — murder, rape and aggravated robbery — amounted to 55 000 a year. In 1989, the last year that hangings were carried out, 53 people were executed. How could a hanging rate of 0,01 percent be a greater deterrent than other punishments? he asked.

"It seems the acceptable level is regarded as about 25. To fine-tune those convicted down to that number in an even-handed way is too much to expect from any human being," he said.

Professor Denis Davis of the Centre for Applied Legal Studies at Wits said

"People react to the high crime rate by saying we must hang more people. But the death penalty is not a big deterrent. The public needs to be informed of the complexity of the problem."

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STimes 20/9/92.

Ministers clash after agreement is reached with ANC

KOBBE WARRECKS SUMMIT DEBAT

By EDYTH BULBRING: Political Correspondent

S Times 24/9/92.

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GOVERNMENT negotiators were yesterday desperately trying to salvage the proposed summit with the ANC after Justice Minister Kobbie Coetsee scuppered a crucial agreement on the release of political prisoners.

A deal paving the way for a summit between President FW de Klerk and ANC leader Nelson Mandela this week was within an ace of being approved by both

parties on Friday when Mr Coetsee dug his heels in, said sources at the meeting.

In effect, he reintroduced the idea of linking the release of political prisoners to a general amnesty.

A heated exchange followed between Mr Coetsee and Constitutional Development Minister Roelf Meyer.

Late yesterday, government ministers were still trying to sort out their differences while the ANC team remained on standby.

But Mr Coetsee issued a statement to the Sunday Times which said:

"The fact of the matter is that I acted in accordance with government policy and government mandate. Opposition to this reasonable position is inexplicable and displays the possibility of other agendas."

The original deal had



Firemen warn of poison gas risk

Sunday Times Reporter

EIGHTEEN firemen were admitted to hospital yesterday after a two-and-a-half hour battle to put out a blaze at a chemical factory in Midrand, near Johannesburg.

The firemen had been exposed to dangerous fumes released into the air during the blaze at the Rhone-Poulenc Animal Health factory, which makes animal feeds and medicines.

The Midrand crisis control centre broadcast a warning to people living north of Johannesburg to watch for symptoms caused by the fumes.

Exposure to the chemical, tetrachlorovinphos could result in nasal discharges, tightness of the chest and wheezing, blurred vision and contraction of the pupils, nausea

mandate Opposition to this reasonable position is inexplicable and displays the possibility of other agendas"

The original deal had been carefully put together by Mr Meyer along with ANC secretary-general Cyril Ramaphosa in a series of meetings to remove three obstacles to the summit.

Failure

The obstacles were

- Political prisoners,
- The carrying of dangerous weapons in public,
- The government's failure to implement Goldstone commission recommendations on stepping up security outside hostels and fencing them

The delegations had agreed in principle that

- All dangerous weapons would be banned in public subject to certain exceptions. The formula that would govern this banning was that if a reasonable person perceived anyone carrying a weapon and intending to use it for nefarious purposes, it would be deemed illegal.

Exceptions would include security force activities and such pastimes as Scottish sword dancing

- Hostels would be prevented from becoming bases of attack and, in turn, measures would be taken to protect the hostels from being attacked from outside

Release

Precisely which hostels would be fenced in and secured, and the manner in which this would be done, would be decided at a later stage

The third obstacle to the summit and the resumption of constitutional negotiations was the release of political prisoners

At that stage the government was insisting on linking the release of political prisoners to a general amnesty. Its view was that everyone in jail or who could be prosecuted in future should be given amnesty if the crime had been committed with a political motive

The ANC rejected the linking of political prisoners to a general amnesty on the basis that an amnesty could only be discussed by a government of national unity. Political prisoners should be re-

□ To Page 2

Summit deal ditched

Sunday Times 20/9/92
From Page 1

leased first, it insisted. During talks between the two delegations throughout the week, the government delegation backed down on a general amnesty. It agreed that all existing prisoners who had committed a crime with a political motive would be released.

It was agreed that the question of general amnesty would be dealt with by a government of national unity (253)

The ANC, in turn, committed itself to a general amnesty once an interim government was in place.

It offered the government delegation two dates this week at which a summit could take place

between Mr De Klerk and Mr Mandela

The government was adamant that the meeting should take place before Mr Mandela leaves for a two-week overseas trip on September 30

On Friday, at 2pm, the two delegations met to put their verbal agreements in writing

Present, on the government side, were Mr Meyer, Constitutional Development adviser Fanie van der Merwe, Constitutional Development director general Niel Barnard, and deputy Law and Order Minister Gert Myburgh

But, for the first time at the pre-summit talks, also present was Justice Minister Kobie Coetsee.

The ANC was represented by Mr Ramaphosa, legal advisers Penuell Maduna and Mathews Phosa, and national executive committee member Mac Maharaj

After two hours of discussions, a core drafting committee from the two delegations — excluding Mr Coetsee — adjourned to draft the agreement. This was presented to the full meeting at 5pm that afternoon

It defined a political prisoner as any person in jail who had committed a crime with a political motivation, irrespective of the offence concerned. The agreement provided for a phased approach to the release of prisoners, starting this week

Sources at the talks said Mr Coetsee immediately proposed an amendment which stipulated that amnesty would apply not only to existing prisoners who had political motives for committing their various offences, but also to any person not in prison who might in future be convicted of politically motivated offences

This, in effect, reintroduced the idea of a general amnesty which had been discarded earlier in the week

Once the ANC delegation stated that it could not accept the amendment, the government delegation left the room to confer

Sources in the meeting said the government delegation was absent for over an hour during which heated words were exchanged between Mr Meyer and Mr Coetsee

The ANC delegation was told at 6:20pm that the government negotiators could not agree and the meeting was aborted

This is the second time that Mr Coetsee has blocked an imminent agreement on the release of political prisoners

Last month, an agreement in principle between Foreign Minister Pik Botha and ANC International Affairs head Thabo Mbeki, initiated by UN special representative Cyrus Vance, was also scotched by Mr Coetsee

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A SHOCKING picture of corruption, assault, theft and drug trafficking in Johannesburg's notorious Diepkloof prison has been revealed following an investigation by the Sunday Times

A businessman from one of Johannesburg's professional families contacted Houghton MP and Democratic Party spokesman on justice Tony Leon after spending what he described as a horrifying month awaiting trial at the prison, nicknamed "Sun City"

Two other businessmen were encouraged by lawyers to come forward with their accounts of conditions at the prison

The three, all first offenders on fraud charges, have given accounts of their experiences on condition that their names are not used, to protect their families and not to prejudice their trials

They were all awaiting trial prisoners at Diepkloof this year for periods ranging from one to six months. All three accounts of what they experienced and witnessed are similar. The following picture emerges

Prisoners are assaulted by fellow inmates and robbed of their valuables and clothing in the court jails, while being transported in the "gomma" (prison van) to Diepkloof and on their arrival at the awaiting trial cells

Robbed

One 43-year-old businessman, a managing director of a trading company, was intimidated into giving his jersey to a prisoner. He broke the inmate's finger several days later when he attempted to steal his pen.

The second businessman, a 49-year-old printing manager, was robbed of his watch, money and wedding ring before leaving the Hillbrow court cell. His complaints to authorities were ignored and his possessions never recovered.

The "bungalows" (cells) at Diepkloof awaiting-trial section are run by a "rep" who holds the position by virtue of his strength.

He runs the cell, ensures it is cleaned by the youngest or most deprived inmates and demands money or goods for protection and allocation of rations and privileges. Those who do not comply, or try to cheat the rep, are assaulted.

The third businessman, a 37-year-old general manager of an electronics company, paid the rep half of everything he received from visitors throughout his stay to keep him happy.

Disobedient

Blankets and sleeping space are allocated according to the rep's good will. Some prisoners sleep with no mattresses or blankets. The cells are racially segregated. White inmates who are disobedient are placed in single cells in the "black" section until they cool down.

The inmates are given two meals a day. Breakfast is porridge with milk or salt, sometimes a spoon of brown sugar, sometimes tea, and a slice of brown bread with lard.

A combined lunch and supper at midday consists of samp, sometimes with salt, cabbage — old and

Businessmen tell of prison assaults, thefts, trading in food and drugs

DIEPKLOOF

SUNDAY TIMES SPECIAL INVESTIGATION
BY EDYTH BULBRING



CLAIM

A prisoner bitten by a rat at night had to wait until 11 in the morning for an anti-tetanus injection

CLAIM

R5 will buy a whole chicken or a steak — a watch will buy two mandrax tablets

CLAIM

White inmates who are disobedient are placed in single cells in the 'black' section until they cool down

worm-ridden — or pumpkin, and some sort of protein (an egg, or two soya balls, sometimes a pork chop, soya sausage, or chicken stew), a mug of tea and a quarter loaf of brown bread (a "kattle")

Exercise in the courtyard is at the warden's pleasure — not more than three times a week in two of the men's experience.

The trading company MD, who spent six months awaiting trial, told how prisoners were deprived of exercise for more than

three weeks after an inmate cheeked a warden.

The warders leave in the afternoon and the prisoners are left to their own devices until 6 the next morning.

There is no bell system and warders can only be summoned by shouting loudly. The electronics company GM told how it took warders two-and-a-half hours to remove a badly assaulted prisoner from his cell.

One prisoner who was bitten by a rat at night had to wait until 11am for an anti-tetanus injection.

When night falls, the trade in drugs and food begins. The prisoners make a cable system with blankets, string or clothes and trade occurs between the floors and cells.

The centre of the food and drug trade are the cells occupied by serving prisoners next to the kitchen on the ground floor. Food rations — steak, chicken, eggs, coffee, tea and coldrink powder — are smuggled into these cells throughout the day

and then sold at night.

Using the pulley system, money, clothing and jewellery are lowered down to the cells next to the kitchen.

R5 will buy a whole chicken or a steak. A watch will buy you two mandrax tablets ("spice"), and a pair of shoes a thumb of dagga ("pollie"). Fights over food and drugs are common.

Most prisoners smoke drugs throughout the day and night.

Warders come round at night or early in the morning with "arms" of dagga, or mandrax tablets, and sell them to inmates. The warders are also paid by the prisoners for passing on food and drug parcels from visitors.

The warders also pay cash to the prisoners for watches, jewellery and other commodities expropriated from the weaker prisoners.

The "butlers" or lackeys in the cells cook the food and make the tea bought from the kitchen at night by making "bombs" — running wires from the main

light to heat water and breaking up foam mattresses, toilet paper or mattress covers for fuel.

If a prisoner wants to make a phone call, he has to fill in a request which can take a week to come through. The warden will then make the call for the prisoner.

A maximum of 38 inmates share two showers and a toilet. The trading company MD told how when the bathroom light fused, it took two-and-a-half months before it was fixed. By this time the bathroom was infested with crab lice and cockroaches.

He also told of seeing a warden extorting money from inmates on a visit to the prison shop. He also saw one prisoner beaten over the head with a baton when he failed to move out of the warden's path.

Access to medication ("pille paraad") happens once a day — if lucky — and prisoners are given sleeping tablets and headache pills which they then trade for food or other drugs between themselves.

The trading company MD told how a warden offered him an escape route for a fee of R1 000. This bribe would get him a transfer to Johannesburg hospital and a mixture to dope the police guard.

Escapes from Diepkloof are common. Mr Leon told parliament this year how there were more escapes of awaiting trial prisoners from Diepkloof than any other prison in the country.

Of the 81 prisoners who escaped last year, not one was re-arrested.

Mr Leon said he had had little success with prison authorities on the question of conditions at SA jails.

In February he visited five Bethal prison inmates after receiving reports that prisoners were being assaulted and maltreated by warders.

Whitewash

A report was submitted to Correctional Services Minister Adriaan Vlok and the relevant prison authorities.

He was assured the complaints would be investigated "immediately".

Mr Leon received a detailed response to the complaints from Mr Vlok last month — six months later.

The complaints were dismissed on the basis that the prisoners had either retracted their allegations, that there were no witnesses to certain allegations, that Mr Leon had misunderstood the complaints or that they were untrue.

Mr Leon said this week he had little faith, in the light of the Bethal investigation, that complaints about Diepkloof prison would be properly investigated.

"Internal investigations could be seen to be a whitewash given the excessive delays and the complete lack of reference by them to any outside authority."

"What is urgently needed is an independent investigation into the conditions at Diepkloof," he said.

Mr Leon said that at the top level there was a considerable openness to criticism and, theoretically, a modern and enlightened approach to imprisonment and improving conditions. However, this attitude had not been instilled in prison warders.

Vlok: We'll investigate

A SPOKESMAN for Correctional Services Minister Adriaan Vlok responded as follows

SMUGGLING and intimidation among prisoners is a reality in all prisons worldwide. However, it is the policy of the Department of Correctional Services to deal severely with practices of this nature, should they come to its attention.

All prisoners have ample opportunity to lodge complaints to any member during any time of the day or night, because personnel are on duty 24 hours a day.

The Diepkloof prison does not operate according to a bell system. All cells are, however, equipped with intercoms. Should an intercom be out of order, a member on night duty will always be around.

The department is not aware of an incident where a prisoner was bitten by a rat and was surprised to learn of the presence of rats in the prison. The allegation of worms in the food is rejected with contempt.

The allegation of personnel being involved in smuggling is regarded in a very serious light. The department has repeatedly proved that it does not tolerate such acts. In the past, members were summarily suspended in such instances.

The complainants in this case are called upon to submit details to the department. We give the assurance that the matter will

be fully investigated.

With regard to telephone calls, the awaiting-trial section has a daily population of 3 500 prisoners. Every request is noted and evaluated to determine the urgency, whereupon it is accordingly registered on the waiting list.

The awaiting-trial prisoners are only served two meals a day, but full rations are served during these meals which is equal to the three meals normally served.

Since April this year, no prisoner has managed to escape from the Johannesburg prison.

Section 23 of the Prisons Act provides for the joint incarceration of prisoners, irrespective of race or colour. This policy is applied with due consideration of an orderly prison population, safety of prisoners, prevention of conflict etc. The suggestion of irresponsibility on the part of the department in applying this policy is rejected as false.

The minister has taken cognisance of Mr Leon's view on the issue of openness which is not communicated down to the warders who implement the policy.

The minister appreciates it when such matters are brought to his attention, but would like to give the assurance that he is doing everything in his power to involve all personnel and to acquaint them with his views.

S/Times 20/9/92

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Vlok: We'll investigate

S/ Times 20/9/92
A SPOKESMAN for Correctional Services Minister Adriaan Vlok responded as follows

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be fully investigated

With regard to telephone calls, the awaiting-trial section has a daily population of 3 500 prisoners. Every request is noted and evaluated to determine the urgency, whereupon it is accordingly registered on the waiting list.

The awaiting-trial prisoners are only served two meals a day, but full rations are served during these meals which is equal to the three meals normally served.

Since April this year, no prisoner has managed to escape from the Johannesburg prison.

Section 23 of the Prisons Act provides for the joint incarceration of prisoners, irrespective of race or colour. This policy is applied with due consideration of an orderly prison population, safety of prisoners, prevention of conflict etc. The suggestion of irresponsibility on the part of the department in applying this policy is rejected as false.

The minister has taken cognisance of Mr Leon's view on the issue of openness which is not communicated down to the warders who implement the policy.

The minister appreciates it when such matters are brought to his attention, but would like to give the assurance that he is doing everything in his power to involve all personnel and to acquaint them with his views.

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Yet another cell death

Staff Reporter

THE body of a 27-year-old Khayelitsha man was found hanging from the bars in the Athlone police cells at the weekend (253)

The man was found hanging from the cell bars by his T-shirt about 3.20pm on Saturday

No crime was suspected in the death of the man, who had been in custody for drunkenness, said a police spokesman CT 21/9/92

He may not be identified until his next-of-kin have been informed of his death

An inquiry into the incident has been launched

Mandela, De Klerk summit in balance

By Themba Molefe
Political Reporter

TRICKY RIDER Amendment by Justice Minister

scuppers agreement on political prisoners:

THE proposed summit between State President FW de Klerk and Mr Nelson Mandela hung in the balance yesterday following disclosures of disagreement among Government negotiators on political prisoners

And the African National Congress yesterday refused to speculate on future talks between its secretary-general Mr Cyril Ramaphosa and Constitutional Development and Planning Minister Mr Roelf Meyer.

A Sunday newspaper reported yesterday that an ANC team led by Ramaphosa returned empty-handed from a meeting on Saturday at which an agreement with Government negotiators led by Meyer was to have been signed on the crucial issue of political prisoners

The discord emerged on Friday with the linking of the release of political prisoners to a general amnesty by the Minister of Justice, Mr Kobie Coetsee.

He reportedly proposed an amendment to the agreement stipulating that amnesty should apply to any person not in prison but who might be convicted of politically motivated offences in future

Behind closed doors

The original agreement defined a political prisoner as any person in jail for a politically motivated crime, irrespective of the offence concerned. It provided for a phased release of prisoners beginning this week.

The ANC delegation was reportedly told Government negotiators could not agree and the meeting to document the verbal agreements was aborted

Until then, Ramaphosa and Meyer had been meeting behind closed doors to remove obstacles to the Mandela-De Klerk summit on vio-

lence proposed by President De Klerk and which would pave the way for the resumption of constitutional negotiations

The ANC had stated these obstacles as political prisoners, carrying of dangerous weapons and the Government's failure to implement the Goldstone Commission's recommendations on stepping up security at hostels

ANC spokesman Mr Carl Niehaus yesterday said he would not, at this stage, speculate on the future of the talks between Ramaphosa and Meyer and that he would not say whether there was optimism about the proposed summit getting off the ground

President de Klerk told a leading Afrikaans Sunday newspaper that he was hopeful about the country's future and that the huge presence of international observers did not pose a threat to the country's sovereignty

Sowetan 2/9/92

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Talks are in the balance

Sowe fan 21/9/92

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■ **EMPTY-HANDED** The ANC was to have signed

crucial pre-summit agreement on Saturday:

THE proposed meeting between President FW de Klerk and Mr Nelson Mandela hung in the balance yesterday following disclosures of disagreement among Government negotiators on political prisoners.

The ANC yesterday also refused to speculate on future talks between its secretary-general Mr Cyril Ramaphosa and Constitutional Development and

Planning Minister Mr Roelf Meyer.

It was reported yesterday that an ANC team led by Ramaphosa returned empty-handed from a meeting on Saturday at which agreement with Government negotiators led by Meyer was to have been signed on the issue of political prisoners

See story page **2**

Release of prisoners a spanner in the works

Sam 21/9/92

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The freeing of political prisoners is proving one of the most intractable obstacles to the resumption of negotiations, reports JO-ANNE COLLINGE.

RENEWED efforts by Justice Minister Kobie Coetsee to link the final release of ANC-aligned political prisoners to a general amnesty appear to have come as a rude shock to the liberation movement.

Two days before talks on this issue deadlocked on Friday, ANC negotiator Matthew Phosa said the ANC and Government had made such progress that there was no reason why 120 political prisoners — about a quarter of the total remaining — should not be freed “today”.

He added optimistically “If the Government were to act immediately, they would lend the negotiation process so much credibility”.

Instead, the freeing of political prisoners was proving the least yielding of the three major obstacles to negotiation which ANC president Nelson Mandela outlined in his “olive branch” message to President de Klerk last week.

Mr Phosa made it clear even before Mr Coetsee reintroduced the amnesty issue that the ANC regarded it as a separate matter from the release of political prisoners. “The issue of amnesty never arose at Groote Schuur or Pretoria or at any other stage where we discussed political prisoners. It has only been raised now that there are disclosures about offences by State officials”.

If the Government wished to negotiate on amnesty it should raise the matter as a separate substantive issue, he said.

Furthermore it was illogical to consider the granting of am-

nesty before an interim government was in place, Mr Phosa argued. How could the present Government grant its own officials pardon?

It is understood that the ANC is sticking to this position in the face of Mr Coetsee’s demands.

The ANC believes that there are still about 450 political prisoners whom it represents and Mr Mandela has said he would be satisfied if they were all freed within two months. “They are all a priority to us. But the question is how practically to release them,” said Mr Phosa.

He said the ANC had decided to press for the immediate freeing of the 120 because their status as political prisoners had been accepted last year by an “audit committee” comprising the Correctional Services and Justice departments, Lawyers for Human Rights and the Human Rights Commission.

Mr Phosa said his staff was checking lists of the additional 330-odd political prisoners and liaising with human rights groups. “We want to produce one national list and publish it”.

He added that the ANC had forsaken the complex legalistic definition of political offenders adopted in the Pretoria Minute of 1990. Now it was pursuing negotiations on the grounds that political motivation was the critical factor distinguishing political offenders from others.

Remaining political prisoners included Umkhonto we Sizwe cadres such as Robert McBride, Mthetleli Mncube and Mzondeleli Nondula, and a large number of persons convicted for actions related to the ANC’s call in the mid-’80s to render the country ungovernable.

When it came to right-wing offenders, the ANC had taken no position, said Mr Phosa. This was a matter between organisations on the Right and the Government. “It would be very presumptuous of us to speak for the likes of Barend Strydom” □

Man found ⁽²⁵³⁾ hanged in police cell

Staff Reporter

ARC 21/9/92

A MAN arrested for public drunkenness was found dead in his cell at Athlone police station

The 27-year-old was found hanging from the bars of his cell with his T-shirt around his neck, Western Cape police spokesman Lieutenant-Colonel Gys Boonzaaier said yesterday.

He had been arrested a few hours before, but Colonel Boonzaaier could not say exactly when. He said no crime was suspected but there would be a post-mortem examination today.

The man's death, on Saturday, brought to 18 the number of reported custody deaths since pathologist Dr Jonathan Gluckman went public on July 26 with allegations that police were killing people in custody.

According to Human Rights Commission figures, 91 people have died in custody this year.

Govt, ANC meet to overcome political prisoner obstacle to summit

8/1 Day 22/9/92

BILLY PADDOCK

GOVERNMENT and ANC delegations met yesterday in Pretoria in a bid to reach agreement on the release of political prisoners in time for a summit between President F W de Klerk and ANC president Nelson Mandela within 10 days. Sources in both camps refused to discuss details of the discussions.

However, one government source said the prisoner issue was the most important hurdle still to be cleared before the summit could take place. The one-on-one discussions between Constitutional Development Minister

Roelf Meyer and ANC secretary-general Cyril Ramaphosa were broadened to allow delegations from each side to take part. The senior government source said that the weekend events, when it appeared a tentative deal fell through, were just a hiccup that could be resolved. If both sides were committed the problem could be resolved, he believed. It was reported that agreement had almost been reached when Justice Minister Kobie Coetsee scuppered the deal by insisting on linking the release of prisoners to a general amnesty. However, Meyer and

Coetsee denied on Sunday night that Coetsee had derailed the process. The ANC is sticking firmly to its demands that prisoners be freed, hostels be secured and that the public carrying of weapons be banned before the organisation's national executive committee will approve the the summit on violence. Government wants the summit to take place before Mandela leaves for a two-week overseas trip next Wednesday. A senior ANC negotiator said yesterday

negotiation was a process that did not see dramatic results from day to day. The apparent difference of opinion between Coetsee and Meyer would have to be sorted out, he said. "This is the only way in which to pave the way for the summit and I am confident they will find a way to do this," he said. Meanwhile, TIM COHEN reports from Pretoria that De Klerk said yesterday a resolution of the political impasse was "just over the horizon". During a marathon diplomatic session in which six new ambassadors presented

Summit 8/1 Day 22/9/92

From Page 1

To Page 2

Botze, who was jailed for 15 years by the communist government, said his country and SA were both going through difficult periods of transition.

In response to Malawian ambassador Willie Khoza, De Klerk said two planned meetings with life president Hastings Banda had not taken place.

Almost immediately after De Klerk's election as State President "our heroic revolution succeeded in overthrowing the abhorrent communist regime that had been for 45 years the most pernicious, the most painful and disastrous scourge in our history", he said.

He expressed the hope that a meeting could be arranged soon.

Australian ambassador Ross Burns, previously based in Paris, expressed his appreciation for the progress made so far but stressed the need for a resolution to the question of violence.

German ambassador Hans-Christian Ueberschaer expressed the hope that the summit with Mandela would prove to be a catalyst that would encourage an end to violence and break the deadlock in constitutional negotiations.

De Klerk agreed with Dutch ambassador Eduard Rdeil that the resumption of negotiations was imminent.

First to present his credentials was US ambassador Princeton Lyman, formally ambassador to Nigeria. Lyman said every day that passed without political agreement added to the burden of economic decline.

Romanian ambassador Sorin Mircea

Picture: Page 3

Early retirement for 689 in prison 'savings measures' ^{ARC 22/9/92} (253)

The Argus Correspondent

PRETORIA. — The Department of Correctional Services has stopped all call-ups of reserve force members, suspended its recruiting programme and is to place 689 people on early retirement.

A statement by Mr Adriaan Vlok, Minister of Correctional Services, said these "savings measures" were an attempt to drastically cut back on government spending and had already been fully implemented.

The measures also include the retrenchment of most of the temporary personnel employed by the correctional services. Thirty-four temporary staff members will be retrenched.

However, a spokesman for the department said no permanent members or officers were to be laid off.

"All the early retirements have been done on a voluntary basis and the only other lay-offs are of temporary staff," he said.

The last of the personnel to take early retirement will have left the service by November.

The move has fuelled speculation that the South African Defence Force (SADF) could follow suit and cutback on call-ups of national servicemen and citizen force members.

A spokesman for the SADF said he could not comment on whether similar steps would be taken by the defence force in its contribution to help the government cut down on spending.

According to Mr Vlok, the moves would bring the personnel expenditure of the correctional services down to "affordable levels".

He said the savings would affect personnel across the board and include "sacrifices" on the part of management and personnel.

"Decisions in this regard were taken with great responsibility, understanding and compassion for those affected," his statement said.

PAC to protest at cell deaths

(253)
JOHANNESBURG. —
The Pan-Africanist Congress yesterday announced a programme of protest action in response to continuing deaths in police cells.

PAC official Mr Ntsundeni Madzunya told a news conference here that protests would include demonstrations at police stations on October 11 and a march to Parliament on October 12 — Sapa

CT 23/9/92

Youths in prisons: Govt to investigate

Political Staff

THE government has appointed a special working group to investigate the detention of youths under 18 who are awaiting trial on criminal charges.

The Deputy Minister of Manpower, Local Government and National Housing, Mr Glen Car-else, said in a statement yesterday he had appointed a working group

to look into the facilities and ser- vices for these youths.

Mr Carelse has begun a tour of "places of safety" to inspect their facilities, his department said in a statement.

The Democratic Party said yes- terday a government inquiry into the detention of the 750 children under the age of 18, held in police cells for an average of three

months, was welcome but it was long overdue and it did not go far enough.

Mr Carelse said "Several youths under the age of 18 are being held in police cells instead of being placed in a place of safe- ty, as would ideally be the case."

"However, due to log jams, chil- dren awaiting trial have to stay in police cells often for periods ex-

ceeding the prescribed period of 48 hours. Prescriptions laid down by the United Nations regarding the handling of youths in custody will be adhered to."

The working group would advise on possible changes, as well the possibility of alternative accom- modation, he said.

The DP's correctional services

spokesman, Mr Mahmoud Rajab, said South Africa should become a signatory to the UN Convention of the Rights of Children, particu- larly Article 37, which said chil- dren should only be detained as a last resort and for the shortest period possible. Mr Rajab said all detained children should be kept away from adults unless this was in the interest of the child.

CF 22/9/92

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I'll confront Vlok on jail claims - Leon

By Bronwyn Wilkinson
Crime Reporter

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Democratic Party MP Tony Leon intends confronting Minister of Correctional Services Adriaan Vlok in Parliament about allegations of horrific conditions and rampant corruption in Diepkloof prison near Johannesburg.

Mr Leon told The Star last night he had given up making formal reports to Mr Vlok because his experience had shown that he would get a "whitewash answer after six months".

He said Mr Vlok's promise of a departmental investigation into allegations that Diepkloof warders were either directly involved in, or acquiesced to, drug-dealing in the prison was totally inadequate.

He had written to Mr Vlok in February about conditions at Diepkloof. "As a direct result of my letter, a prisoner was assaulted and put into isolation," Mr Leon said.

He said three businessmen who had spent time in the prison for fraud had told him that drug trafficking was rife.

Prisoners awaiting trial on first-time white-collar crime offences were put into cells next to convicted murderers, he said. Yesterday a spokesman for Mr Vlok issued a statement saying the allegations of corruption and drug trafficking were regarded in a serious light and would be investigated.



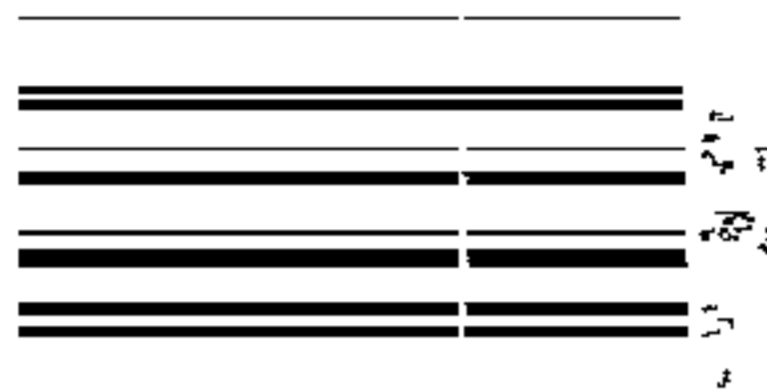
- Magoo's Bar bomber could be released in bid to break talks deadlock
- Meyer offers 150 political prisoners liberty in return for Saturday summit

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REC 24/9/92

MICBride may go free



Political Staff

THE government is prepared to free the Magoo's Bar bomber, Robert McBride, by the end of next month and 150 more political prisoners virtually immediately in an effort to break the talks deadlock with the African National Congress.

The offer will be tabled today by Constitutional Development Minister Mr Roelf Meyer when he again meets ANC secretary-general Mr Cyril Ramaphosa in a bid to arrange a De Klerk-Mandela summit on Saturday.

Government sources said that before the summit could take place the ANC wanted the immediate release of McBride and two other Umkhonto we Sizwe fighters, Mzondeleli Nondula and Mthetheleli Mncubi, who were convicted of murder for planting the Messina landmines.

They said the government had agreed to the virtually immediate release of up to 150 people on the ANC's list of political prisoners.

This will be done under Article 69 of the Prisons Act, which provides for parole after prisoners have served a third of their sentence.

McBride, Nondula and Mncubi are a problem for the government as they are serving life sentences. It wants to link their release to a general amnesty for all political prisoners, including members of the security forces convicted of "political" crimes.

This would be done through legislation at next month's short session of parliament in Cape Town.

"This would mean that McBride, Nondula and Mncubi would be released probably before the end of October," the sources said.

Rejected

Suggestions that McBride, Nondula and Mncubi should be released under Article Six of the Constitution, which gives the State President powers to grant clemency, have been rejected.

The article is there to let the President look into individual cases on merit rather than to give a blanket approval to releases on political grounds.

The concession on political prisoners — the major stumbling block in the way of the summit — came after the government and the ANC failed to reach agreement yesterday, in spite of hours of talks.

The cabinet and the ANC national working committee, meeting separately, failed to rubber-stamp a provisional agreement drafted by negotiators. Minor disagreements remain on the other two bones of contention, hostels and dangerous weapons.

McBride's wife Paula said today that her husband, who is in Westville prison, Durban, had closed his mind to the thought of freedom because his hopes had been destroyed before.

Mrs McBride, who married the bomber in prison, said "He'll go mad if he starts thinking about being freed, only to be disappointed again."

She shared her husband's pessimism, she said. "I don't feel hopeful. They have a particular fetish about Robert."

● McBride was sentenced in 1987 for planting a car bomb outside Magoo's Bar, Durban, in June 1986. Three women died and 89 people were injured.

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Man will not die

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Some for
24/9/92

■ Not the proper sentence:

IMPRISONMENT of 15 years has been substituted for the death sentence a Winkelhaak mineworker, Sithembiso Wiseman Kheswa, received for the murder of Mr Michiel Christian Jonker.

Jonker was killed when he stopped on a gravel road near Secunda on the night of May 4 1988

Kheswa was convicted by Mr Justice MJ Strydom in the Circuit Court at Evander on May 5 1989

Mr Justice Nienaber said that there was no doubt as to Kheswa's guilt. The only question was whether the death penalty was the only proper sentence

The apparent pointlessness of the murder of an uninvolved and innocent bystander and the brutal way he was killed were irrefutable aggravatory factors.

Although Kheswa had not testified, the State had not excluded the reasonable possibility that he had been intoxicated and that this had contributed to his irrational conduct.

According to his statement he had picked up a piece of metal at the scene Robbery could be excluded as a motive as it was not shown that anything that belonged to the victim was missing

Even if it was accepted that there was too little to justify the inference that Jonker had almost collided with Kheswa, there was enough material to indicate that Kheswa had not acted normally This made him less blame-worthy.

When it was considered that he was 25 years old at the time, without previous convictions, the death sentence was not the proper sentence for him. -Sapa

Boipatong defence cherries legal system

By Melody McDougall
Vereniging Bureau

The world would laugh at a legal system that allowed the release of hundreds of convicted political prisoners — but denied others bail before they had been tried and convicted, the Boipatong massacre accused's defence counsel told the Vanderbijlpark Magistrate's Court yesterday.

Yesterday the State withdrew charges against one of the 71 accused, but brought charges against six others.

The 76 KwaMadala hostel inmates, including four youths, all face charges of murder and public violence following the June 17 massacre in the Vaal Triangle township of Boipatong.

Advocate As Burger yesterday cross-examined State

witness Colonel Joseph du Pont at the continuation of the bail application for the accused. The application is being opposed by the State.

No one has yet been asked to plead to the charges.

At an earlier bail hearing, Colonel du Pont, the Vaal Triangle crime investigation unit assistant head, said he feared the accused might skip bail and fail to attend their trial. He also said he had information that ANC supporters would attack KwaMadala hostel if the accused were granted bail.

Mr Burger yesterday asked Colonel du Pont whether he was aware that a large number of prisoners, who had committed "hideous" crimes, were released yesterday.

When the colonel said he was aware of this, Mr Burger said Colonel du Pont

had testified in court that he regarded the Boipatong massacre as a political case.

He had said that it was in the public's interest that the suspects be denied bail.

Mr Burger asked how it could be in the public's interest to deny the accused bail while other political offenders were now free.

Mr Burger said a number of the suspects had been employed for more than 20 years at Iscor in Vanderbijlpark, and that they could not be dismissed before being convicted or appearing before a disciplinary hearing.

In addition to this, KwaMadala hostel committee members had undertaken to co-operate in getting the accused to attend their trials.

Judgment in the bail application will be handed down on Friday.

Last-minute hitch in ~~ANC~~ peace talks

Sowetan 24/9/92

■ Release of political prisoners remains biggest obstacle: **253**

By Ismail Lagardien
Political Correspondent

THE National working committee of the ANC will meet again today to temper the agreements reached in almost two weeks of planning for a peace summit between President FW de Klerk and Mr Nelson Mandela

After almost two weeks of negotiations behind the scenes crucial meetings of the Cabinet and NWC yesterday, the news from both camps is that nothing concrete has been achieved and task will continue today

Great expectations rested on the ANC and Government yesterday as both parties studied details of the deal

The deal, raised by the ANC as a prerequisite for the summit, could see the release of political prisoners, the securing of hostels and an undertaking by the Government to ban dangerous weapons

The details of the deal were drawn up by the ANC's Mr Cyril Ramaphosa and the Minister of Constitutional Development, Mr Roelf Meyer, during two weeks of delicate deliberations, which ended close to midnight on Tuesday

Suspect found dead in Natal cell

By Bronwyn Wilkinson
Crime Reporter

253
22/11/92
A prisoner awaiting trial died in his Ladysmith, Natal, police cell yesterday.

Police spokesman Captain Bala Naidoo said Shangam Biyela (32) was lying dead on a blanket in his cell.

Mr Biyela was awaiting trial on a charge of housebreaking with intent to steal. He was awaiting removal to a psychiatric institution in

Maritzburg

Police found the cell door's keyhole had been jammed with wire. The cell door was forced open at 6 05 am and Mr Biyela's body was found.

He had previously been aggressive and had tried to break the cell bars, said Captain Naidoo.

A post-mortem is to be held today.

A total of 21 people have died in custody since pathologist Dr Jonathan Gluckman claimed

57PM 24/9/92
in July that police were killing people in their custody.

Justice Ministry spokesman Werner Krull yesterday said none of the inquests into these 21 deaths had yet begun.

Law and Order Minister Hernus Kriel announced last month that he would soon produce proof that police were not responsible for custody deaths.

Ministry spokesman Captain Craig Kotze said yesterday that Mr Kriel

was not yet able to make a statement.

● A murder docket has been opened in East London in connection with the death of a 17-year-old youth who died at Frere Hospital after being captured in a citizen's arrest while allegedly stealing a car.

The boy, Makhi Khumbanca, was admitted with head injuries to Frere Hospital on Saturday night and was immediately operated on. He died on Monday.

Govt promises concern ANC

BIDAY 25/9/92 (253) ~~253~~ ~~113~~
BILLY PADDOCK

PROMISES broken by government in the past on the release of Magoo's Bar bomber Robert McBride had prompted the ANC to insist on his immediate release rather than trust new assurances on the issue, a senior ANC negotiator said yesterday.

This had led directly to the impasse in negotiations for a summit on violence between President F W de Klerk and ANC president Nelson Mandela.

Constitutional Minister Roelf Meyer and ANC secretary-general Cyril Ramaphosa are still trying to find a way around the problem.

According to the ANC negotiator, government, through Justice Minister Kobie Coetsee, told Mandela in July last year that McBride and two other Umkhonto we Sizwe cadres — Mzondeleli Nondula and Mthetheleli Mncube — would be released soon. On the basis of this, Mandela per-

suaded the three to call off a planned hunger strike, he said.

Since the promise was never fulfilled, there was deep suspicion of current government assurances that the three men would be released after legislation was passed in Parliament next month, he said.

The ANC argued that if Coetsee promised the release a year ago, there was no reason to believe it was now impossible, in terms of powers vested in the President. Coetsee had not responded to inquiries on the ANC allegations by the time of going to press.

Mandela yesterday expressed cautious optimism that the summit could still be held before he left for a trip abroad next week. It is understood Mandela may con-

To Page 2

ANC

BIDAY 25/9/92 (253) ~~253~~ ~~113~~ From Page 1

sider postponing his trip should Meyer and Ramaphosa not reach agreement in time for the summit to take place before his departure.

Speaking to journalists after meeting ambassadors yesterday, Mandela said "a lot of loose ends" still remained and he was only prepared to meet De Klerk if they were tied up.

"The summit is important because I want it to lay the basis for a resumption of (constitutional) talks, and the whole of SA is looking forward to it. It would be tragic if it failed," he said.

A senior government source said yesterday it was likely that Mandela and De Klerk would have more than one meeting.

Meyer and Ramaphosa met yesterday and the national working committee of the ANC also met again to deliberate on the

discussions between the two negotiators. TIM COHEN reports that McBride's wife Paula yesterday accused government of hypocrisy for not releasing her husband.

In a case almost identical to that of her husband's, two other ANC members had been freed, she said.

Two MK members, Ronnie Maoba and Steve Vilikazi, were given 18-year prison sentences after being found to have been responsible for a car bomb in Witbank. Three people were killed in the explosion, which also injured 69 people. The prisoners served about 18 months of their sentences.

McBride said the only distinction between this case and that of her husband was that those killed in Witbank were black.

McBride was given the death sentence for planting a bomb near Magoo's Bar in Durban.

Popcru under pressure at Pollsmoor

W/Weekend 25/9 - 1/10/92

THE suicide of a white warder at Pollsmoor prison has thrown into sharp relief tensions between members of the Police and Prisons Civil Rights Union (Popcru) and right-wing prison officers.

Popcru is also in conflict with the prisons administration. Six Pollsmoor warders, supporters of the technically illegal union, are due to lose their jobs at the end of the month for participating in the 1990 prison warder strike.

Several insiders described the climate at Pollsmoor as "very tense and dangerous". However, reacting yesterday, Correctional Services spokesman Colonel DJ Immelman described the atmosphere at the prison as peaceful. "The Department of Correctional Services is satisfied that all members (of staff) are treated in accordance with sound personnel practices," he said.

Immelman insisted the firing of the six warders had nothing to do with their "links with a so-called labour union", but was "because of their general poor service records and behaviour". He denied an allegation that Popcru-supporting warders refused on two occasions last week to raise the national flag — "the symbol of apartheid" — at the Pollsmoor main gate.

A white warder, Sergeant Jan Eisebeth, shot himself outside the prison last week, after complaints of sodomy and assault had been lodged against him. Before his suicide, two officers allege, he went gun in hand in search of the coloured warder who had informed on him.

Rightwing warders and their union-supporting colleagues are in conflict at Pollsmoor prison, report TERRY BELL and ALEX DODD

Popcru members also say that before climbing into his car and shooting himself, Eisebeth gave an Afrikaner Weerstandbeweging salute. An internal inquiry into the sodomy charges was reportedly scheduled, although Popcru members say that the complaint was lodged two years ago.

Eisebeth was also convicted in July this year of assault in connection with the fatal beating of a black prisoner, John Dilo, in 1990. He was fined R1 000.

Popcru supporters have expressed bitterness at the apparent partiality in the treatment accorded Eisebeth and that meted out to former strikers.

John Jansen, a Popcru member with 20 years' service in the prisons department, 13 of them as a warrant officer at Pollsmoor, commented: "The government is making a terrible mistake in trying to sack the six men and crush Popcru. There is a good chance now for reconciliation."

A Popcru warder who witnessed the beating of Dilo alleges the incident was reported to the prison administration, but that no action was taken. He complains Eisebeth was charged only after Popcru took the matter to the attorney general, and that other warders who took part in the assault were not charged. However Immelman claims that the matter was reported to the police by the commanding officer on the day that Dilo died and that "it was the subsequent SAP enquiry that eventually led the attorney general to prosecute."

Popcru has considerable support at Pollsmoor, where 60 percent of the 1 000 staff were formerly classified "coloured".

When Eisebeth returned to duty last week after his suspension following the Dilo trial, he allegedly tried to track down the coloured warder who had given evidence against him in relation to the assault and reported his alleged sexual abuse of prisoners.

He withdrew a revolver from the armoury in the maximum security section of the prison. But when he failed to find the informant, he got into his car and shot himself in the head.

Popcru has considerable support at Pollsmoor, where 60 percent of the 1 000 staff were formerly classified "coloured". Popcru supporters have expressed bitterness at the apparent partiality in the treatment accorded Eisebeth and that meted out to former strikers. John Jansen, a Popcru member with 20 years' service in the prisons department, 13 of them as a warrant officer at Pollsmoor, commented: "The government is making a terrible mistake in trying to sack the six men and crush Popcru. There is a good chance now for reconciliation."

Summit on as deal is struck

Southern 25/9/92

■ **LAST-MINUTE** MK cadres Robert McBride

Nondula and Mncube set to be released: (253)

By Ismail Lagardien
Political Correspondent

A LAST-MINUTE intervention by President Mr FW de Klerk and ANC leader Mr Nelson Mandela last night raised hopes for a breakthrough for a summit between the two

Sources said the breakthrough was reached when the Government agreed to release a number of political prisoners, including Magoo bomber Robert McBride, and MK cadres Mzondelel Nondula and Mthetheleli Mncube

McBride is expected to be released on Monday, sources said

A detailed statement is expected today. A date for the summit is also expected to be announced today

It is understood the Government also undertook to fence off certain hostels and to ban the carrying of dangerous weapons in public

Mandela had insisted that his organisation would attend the summit only when the Government had committed itself to taking "practical"

steps on these issues

The Government's undertakings were discussed at an ANC national working committee meeting yesterday. No statement was issued afterwards

It is understood the Government and ANC negotiators remained in contact last night

In a day of hard bargaining, proposals and counter-proposals were exchanged between the negotiating teams

Earlier Constitutional Development Minister Roelf Meyer and ANC secretary-general Mr Cyril Ramaphosa had set the ball rolling

At 6.30pm the Government was waiting for a response from the ANC's national working committee to its latest proposal

It is understood the core issue was still the ANC's demand that the Government unconditionally release McBride and the two MK cadres

Nondula and Mncube were arrested for their part in landmine explosions in the Northern Transvaal

● Bomber McBride freed

○ Ban on arms in public

SA wakes up to a fresh beginning

SCOTIA
STAR
26/9/92
(253)

2 700
miners
to lose
jobs

DEREK TOMMEY

SEVERAL thousand gold miners in the Free State are to lose their jobs as a result of the continued slump in the gold price.

Gencor's St Helena mine near Welkom announced last night that to keep the mine operating profitably it was retrenching about 2 700 people over the next three months.

Gengold managing director Gary Maude said the low gold price, coupled with rising costs, had left the mine with no alternative but to stop producing uneconomical ore.

Pretoria City president reports that the staff complement at its Pretoria works, with about 400 more employees due for transfer or retrenchment in June next year.



PETER FABRICIUS
and ESTHER WAUGH

PRESIDENT FW de Klerk has agreed to release Magoo's Bar bomber Robert McBride and all remaining African National Congress prisoners in a bold gesture of reconciliation aimed at "closing the book of the past" and reviving the negotiation process.

The ANC hailed the move last night as a "significant breakthrough" and a sign of good faith for today's crucial summit on violence between De Klerk and ANC president Nelson Mandela.

Weapons

De Klerk also agreed to ban public carrying of dangerous weapons — except with a magistrate's permission — and to fence township hostels. The moves "provided a sound basis to proceed with today's summit", the ANC said.

This in turn could open the road back to formal constitutional negotiations, suspended since June.

"We are on the verge of a breakthrough back to negotiations," De Klerk told the Natal National Party.

● TO PAGE 2

F.W. frees 150 prisoners On eve of crucial summit

'Instinct' star in treatment over sex

LOS ANGELES — 'Basic Instinct' star Michael Douglas is receiving treatment for his obsession with sex.

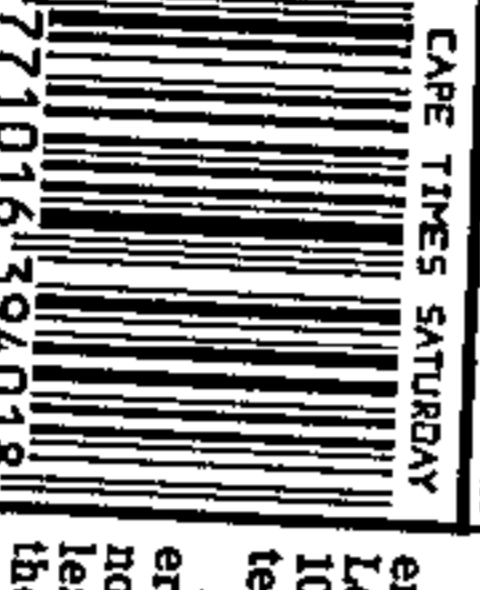
Reports say Douglas booked into an exclusive \$600 (about \$1,000) a-night clinic in Arizona in an desperate attempt to save his troubled marriage.

Two weeks ago, his wife Diandra caught him in bed with a woman said to be one of her friends. Recently, it emerged that he picked her up in a bar in Beverly Hills.

Diandra last week fled to the couple's Marjorie farmhouse from where she is believed to have issued an ultimatum to the actor.

Douglas, 48, is receiving treatment under the name Mike Korrell. Apparently, he must have three weeks' therapy before he is allowed visitors.

Rob Lowe is also said to have attended the Sierra Tucson Centre after a video of him having sex with young girls was widely circulated. — Telegraph



CARE TUES SATURDAY
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THE government last night began releasing 150 political prisoners amid last-minute preparations for today's crucial summit between President F.W. de Klerk and ANC leader Mr. Nelson Mandela.

Both the government and the ANC view the summit on violence — the first eyeball-to-eyeball contact between the two leaders in four months — as a significant step towards the speedy resumption of full-scale constitutional negotiations.

There were also indications last night that the ANC leadership might be prepared to tone down the organisation's mass action campaign which critics have warned could lead to a series of bloody confrontations in coming weeks.

The release of the prisoners — who will be joined by Masoo Bar bomber Robert McBride on Monday — follows 18 days of exhaustive bargaining between teams led by Mr. Roelf Meyer and Mr. Cyril Ramaphosa to remove obstacles to the summit. The freed prisoners will also include ANC cadres Mzondeleli Nondula and Mitheth-eh Mchubi — found guilty on several counts of murder in connection with a Messina landmine explosion and the subsequent shooting of policemen.

Nondula was one of six hunger strikers at the Medium A prison in East London who called of what had been a 10-day fast as they received news yesterday of the impending releases. Mrs. Doris McBride, mother of Robert, said yesterday afternoon she was not aware when her son would be released and was awaiting word from the authorities.



MEET TODAY... President F.W. de Klerk and ANC president Mr. Nelson Mandela will meet today — their first meeting in four months. She said her son telephoned her yesterday morning to request books for his studies. He had not been aware of his impending release. The ANC said yesterday he would be released on Monday. The phased release of political prisoners — which is apparently not linked to a general amnesty at this stage — will take place over the next seven weeks in terms of a joint government/ANC auditing mechanism. In a statement last night Minister of Correctional Services Mr. Adrian Vlok confirmed political prisoners

entering a negotiated solution to the country's troubled past. Mr. De Klerk told delegates at the National Party's Natal congress, ANC secretary-general Mr. Cyril Ramaphosa said last night that the agreement reached on the release of prisoners — coupled with the "firm undertaking" from government regarding the public display and carrying of dangerous weapons and the securing of hostels — provided a sound basis for proceeding with the summit. He said it was significant that the government had been compelled to drop the linkage between the release of political prisoners and amnesty for state officials implicated in crimes such as murder and incitement to murder.

In a strong hint that today's summit which begins at the World Trade Centre in Johannesburg at 10.30am — will see the government pressuring the ANC to drop its planned high-risk marches on Umtata and Bophuthatwana, Mr. De Klerk bluntly warned yesterday. "The ANC will have to review its approach to mass action". The Democratic Party's Mr. Ken Andrew said he was "delighted" that the summit was going ahead and Solidarity Party leader Dr. J.N. Reddy said a "tremendous responsibility" rested on the shoulders of these two leaders to facilitate a return to full negotiations. In London, British Foreign Secretary Mr. Douglas Hurd welcomed the announcement of the summit.

Anger, joy at release — Page 2

Anger, joy at news of bomber release

Political Staff

DURBAN — Robert McBride will walk out of Westville Prison on Monday into a community deeply divided over his release

Many whites are extremely bitter at the prospect of a man who killed three people in the 1986 Magoo's Bar bomb blast being freed. Others — mostly in the black community — felt he should have been freed a year ago because he fulfilled the agreed definition of a political prisoner.

Mrs Paula McBride has campaigned for five years for her husband's release. The couple were married on death row in May, 1989.

Instructions

She points out that he was acting under specific instructions to bomb the popular beachfront nightspot.

The ANC has confirmed this. Mrs McBride says it was chosen because it had been identified as a place where off-duty security force members went for drinks.

She feels strongly that her husband has been kept in prison because his victims were white.

Mrs McBride says her husband was kept in prison for two reasons. As a "bargaining chip" to extract concessions from the ANC and as a sop to white voters.

But yesterday President F W de Klerk, announcing that political prisoners were to be released, said, "We need to turn our backs on the past. We need to clean the slate. We need to remove the word retribution from our political vocabulary. We need to forgive and forget, and we need to start afresh."

Paula McBride appeals
on behalf of bar bomber

ANC 26/9/92 (253)

Please forgive Robert

■ Magoo's Bar bomber Robert McBride has shown more remorse than security force members and politicians who killed thousands of citizens, says his wife

Weekend Argus Reporter

WIFE-in-waiting Paula McBride, who has mounted a five-year-campaign to have her bomber husband, Robert, released from jail, has appealed to South Africans to forgive him

She said McBride, who is serving life imprisonment at Westville Prison after his conviction in 1986 for the Magoo's Bar bombing which claimed three lives and injured a further 69 people, had constantly expressed remorse that lives were lost in the bomb blast

He was sentenced to death, but his sentence was commuted to life-long imprisonment last year. The couple married on Death Row in May 1989

"It has never, ever left his mind. But, thousands of people have been killed in this country and a very small proportion have been white," she said.

"It is wrong that the white community feel they cannot forgive him. Robert has, on a number of occasions, expressed his sorrow. He has shown more remorse than those security force members and Cabinet Ministers who must take responsibility for killing thousands of civilians"

McBride is due to be released on Monday. The McBrides have refused to plan their future

□ **Paula McBride**, "It has never, ever left his mind"

Paula said "It is no use doing that. The best way to look at this is to think that he is not coming out. I will not allow myself to be optimistic — that is a wasted emotion"

She believed the only reason he had not been released earlier was because his victims were white. It was a theme McBride himself had taken up in a letter to the African National Congress from his cell at Westville Prison

Those killed in the Magoo's Bar bombing were Marchelle Gerrard, 28, a commercial artist from Morningside, Julie van der Linde, 28, and Angelique Pattinden, 23. At least 69 others were injured in the blast, 15 seriously

Yesterday, Marchelle's father Mr John Gerrard said "The release of a murderer, who has killed people and wounded many others and was thereafter tried and found guilty in a court of law makes a mockery of the system of justice in this country"

Anger at boy's jail death

Political Correspondent

Aug 26/1972 (253)

THE Democratic Party has expressed outrage at the death of a juvenile awaiting-trial prisoner in a Boland prison. He is believed to have been assaulted by other inmates

DP spokesman on correctional services Mr Mahmoud Rajab said emergency facilities should be made available

for juvenile prisoners immediately to ensure they were kept separate from adults "to prevent a tragic recurrence of this incident"

Earlier, the Department of Correctional Services said the prisoner had died of injuries in Robertson prison at 8pm on Thursday. Police are investigating.

Freedom for bomb killer 'closes book'

253 ARL 26/9/92

PETER FABRICIUS and ESTHER WAUGH
Weekend Argus Political Staff

MAGOO'S Bar bomber Robert McBride and all remaining African National Congress prisoners will be released in a bold gesture of reconciliation by President F W de Klerk aimed at "closing the book of the past" and reviving the negotiation process.

The ANC hailed the move last night as a "significant breakthrough" and a sign of good faith for today's crucial summit on violence between Mr De Klerk and ANC president Mr Nelson Mandela.

Mr De Klerk also agreed to ban public carrying of dangerous weapons — except with a magistrate's permission — and to fence township hostels. The moves "provided a sound basis to proceed with today's summit", said the ANC.

This, in turn, could open the road back to formal constitutional negotiations, suspended since June. "We are on the verge of a breakthrough back to negotiations," Mr De Klerk told the Natal National Party congress in Durban yesterday.

About 150 ANC prisoners were being freed over the next few days. Some were released yesterday. Remaining ANC prisoners — and all oth-

ers who committed offences with a political motive before October 8, 1990 — would be released by November 15.

After two weeks of incredibly hard bargaining — which began with a conciliatory gesture from Mr Mandela to President De Klerk — Constitutional Development Minister Mr Roelf Meyer and ANC secretary-general Mr Cyril Ramaphosa yesterday finally nailed down a far-reaching agreement.

Just how hard it was for the government to release McBride and other prisoners convicted of serious crimes like murder was evident when Mr De Klerk made the announcement to the NP congress.

Speaking in a hotel just down the road from Magoo's Bar — which McBride blasted in 1986 with a bomb which killed three young women — Mr De Klerk said that some of the people being released had committed "atrocious crimes with political motives in a time of political conflict".

"The government's attitude is that for the sake of reconciliation we want to close the book of the past. We stand here at the crossroads in our history. We need to turn our back on the past, we need to clean the slate, we need to remove the word 'retribution' from

■ To page 3

Forgive and forget — FW

■ From page 1

our political vocabulary.

"We need to create an atmosphere conducive to negotiation. We need to turn our faces to the wind. To forgive and forget... maybe not forget. We need to start afresh.

"My hope is that this will be seen as a deed ensuring that we do not remain locked in the disputes of the past. I hope this will be recognised as a deed done to unlock the future."

Although the ANC said the government had dropped the linkage between the release of the 150 and a general amnesty which also would cover state officials, it seemed yesterday that the de-linkage only applied to this group.

Regarding the remaining ANC prisoners, Mr De Klerk

indicated at the NP congress that they would be freed as part of a general release of all who had committed offences with a political motive before October 8 1990, and that this would also include people not yet charged.

Mr De Klerk said the move would require legislation during the short session of parliament.

The ANC's list of "in excess of 550" political prisoners, submitted to the government, also included non-ANC prisoners who were convicted for their actions against apartheid and those in the homelands.

Mr Ramaphosa said the ANC's list of more than 550 political prisoners would be submitted to joint ANC-government audit to decide who went free by November 15.

11 Aids cases behind bars

By SOPHIE TEMA

SOUTH African prisons are not Aids breeding grounds, Correctional Services Minister Adriaan Vlok told delegates to a recent seminar held in Pretoria.

He said statistically those outside prison walls are more prone to be HIV-infected.

Vlok said out of a total prison population of 109 000, there are presently only 209 HIV-infected prisoners and 11 with full-blown Aids.

"People have the misconception that prison is a favourable breeding ground for Aids and that the situation is out of control," he said.

"The reason is apparently because prisons are viewed as communities in which homosexuality is practised."

Department of Correctional Services nursing director, Major RC Greyling, told the seminar her department had been working closely with the

Department of National Health and Population Development on an Aids strategy since 1987 - when the first prisoner died of the disease.

She said that currently one in 532 people of the general SA prison population is HIV-infected against one in 40 among the general SA population.

Delegates heard that prisoners terminally ill with Aids were being released on compassionate grounds.

HIV-infected prisoners were not segregated or discriminated against - though they slept in separate quarters because to house a group of these prisoners in a common cell was inviting trouble.

In prison they were not robbed of recreation or work opportunities, nor did they have to use separate toilet or ablution facilities as mandatory screening had been decided against as it violated individual rights.

What was decided

BY MIDDAY yesterday President FW de Klerk and ANC leader Nelson Mandela had rubber-stamped a broad range of agreements reached by key negotiators Roelf Meyer and Cyril Ramaphosa over the past few weeks of intensive negotiations.

On a CONSTITUTION MAKING BODY it was agreed that:

- There will be a democratically elected constituent assembly which will serve as an interim parliament;
- It will draft and adopt a new constitution. It will sit as a single chamber and take decisions by special majorities;
- It will be bound only by those principles agreed to beforehand;
- It will operate for a fixed time and will be elected within an agreed time frame;
- It will have deadlock-breaking mechanisms;

On an INTERIM GOVERNMENT it was agreed that there will be an interim government of national unity, operating in terms of an interim constitution.

On POLITICAL PRISONERS it was agreed that:

- One hundred and fifty will be released before Monday — 148 have already been released;
- Only prisoners who committed offences prior to October 8 1990 will be released;
- Robert McBride and the two Messina bombers will be released on Monday in terms of a parole application approved by prison authorities on Friday;
- The remaining political prisoners — about 250 — will be released by November 15. After the summit, they will be categorised — not in terms of their crime, but rather its political motivation;
- Legislation will be introduced in October concerning prisoners serving life sentences. Once passed, McBride and the others' parole conditions will fall away;
- The question of a general amnesty will not be linked to the release of political prisoners. The ANC gave a verbal undertaking that it would be dealt with by an interim government of national unity.

On the control of DANGEROUS WEAPONS it was agreed that:

- The public display of dangerous weapons, which includes traditional weapons, will be banned;
- A proclamation to this effect will be drafted with the assistance of the Goldstone commission. It will set out guidelines under which exemptions will be granted by magistrates. These could include gatherings such as Shaka day.

By lunch time, the question of SECURING HOSTELS was still being discussed. However, the draft detailed agreement between Mr Ramaphosa and Mr Meyer identifies more than 24 hostels, primarily in the PWV region, that need to be dealt with urgently. They agreed that:

- Security will be implemented in terms of recommendations contained in the latest report of the Goldstone commission;
- There will be security patrols and a police presence outside the hostels involved;
- Hostels will be adequately fenced

THE SUMMIT

De Klerk gamble brought SA back from the brink

STimes 27/9/92

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THE decision to bite the bullet was taken on Thursday afternoon.

President FW de Klerk and his senior lieutenants had before them a draft agreement that promised to end months of tedious bickering with the ANC and a golden opportunity to kick-start the stalled negotiation process.

The only snag was that part of the deal was the release from prison of three men — Magoos Bar bomber Robert McBride, 30, and Mzondelele Nondula, 29, and Mthethelele Mncube, 32, who had been found guilty of the Messina landmine murders in 1987.

President De Klerk was acutely aware that should he accede, as the ANC insisted, to the release of these three — most of whose victims had been white — it could cost him dearly among his own supporters.

On the other hand, should he refuse to release them and the summit did not take place, the cost to the country in terms of dashed expectations at yet another failure of negotiations could prove even more devastating.

Compromise

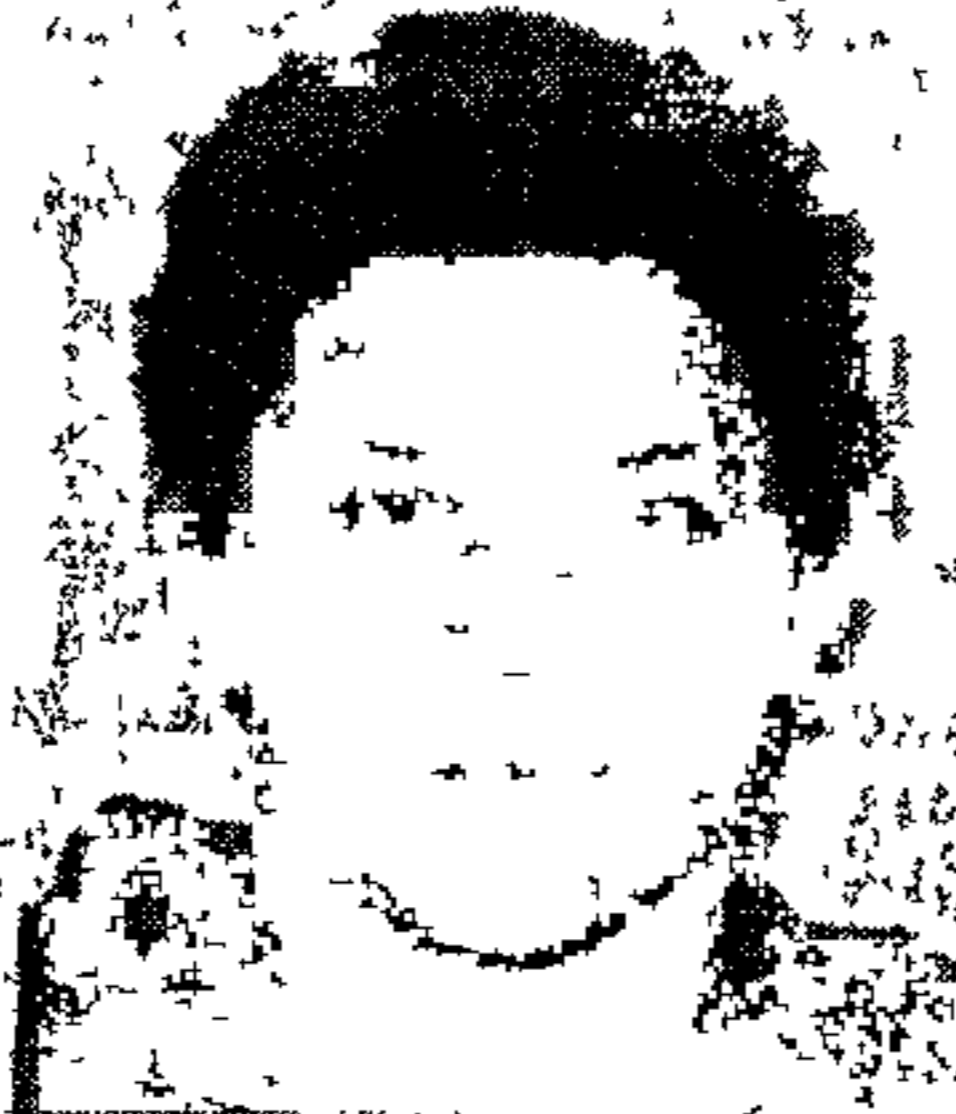
Reluctantly, Mr De Klerk and his ministers accepted that the three would go free. But, unlike other political prisoners who would be freed without conditions, they would be let out on parole.

It was a compromise suggested, according to diplomats, by British Foreign Secretary Douglas Hurd, who had spoken to both ANC leader Nelson Mandela and Foreign Minister Pik Botha earlier that morning.

Of the three prisoners around whose release the fate of the nation turned this week, Robert McBride is the best known.

A tall Allan Boesak look-alike, he is the least experienced of the three

CHARLENE SMITH reports on the three men whose release from prison paved the way for yesterday's summit meeting



ROBERT McBRIDE

ANC Umkhonto we Sizwe cadres. A teacher, he became a member of the ANC almost by default, recruited by childhood friend Gordon Webster.

He received no formal military training by Umkhonto we Sizwe, but proved an enthusiastic recruit, conducting a bombing campaign around Durban in 1986, culminating in the Magoos Bar bombing, which led to the deaths of three people and left more than 20 injured.

McBride was sentenced to death, but on review last year his sentence was commuted to life imprisonment, as were the sentences of Nondula and Mncube.

Mncube and Nondula were what was known at the time as the Messina trialists.

Both are highly trained MK officers. They were part of a unit that crossed into South Africa on more than one occasion.

However, in 1987, after laying a number of landmines in the Messina district which cost the lives of 10 people, including seven whites, and

injured 20 others, they were arrested.

They refused to testify in their own defence, claiming that they were soldiers and should be treated as prisoners of war in terms of the Geneva convention.

Mncube was initially arrested by two policemen who placed him in the back of a bakkie next to an AK-47. Mncube managed to free himself and killed his captors.

During his trial his defence claimed he was tortured after his arrest, including being forced to eat his own excrement.

Raised in Soweto, Mr Mncube also married while in prison late last year.

Schooling

Mr Nondula, who is being released a few days after his birthday, is a gifted writer and poet. He was transferred to prison in East London early this year. An orphan, he grew up in extreme poverty in Mdantsane near Ciskei and left South Africa to join the ANC while in his teens.

His first schooling took place at the Solomon Mahlangu Freedom College in Tanzania along with Mr Mncube.

Mr Mncube was instructed in firearms and politics in Angola before infiltrating South Africa in 1986 through Zambia and Zimbabwe.

Mr Nondula received training in Mozambique — where key ANC prisoner-release negotiator Matthew Phosa was in charge of military operations — before getting further training in Angola and East Germany. He was for a time an instructor at an Angolan training camp and infiltrated South Africa a number of times on various missions.

Be your own man... competition last Sunday.
Press.

New hopes pinned on summit

By THEMBA KHUMALO

ANC president Nelson Mandela and State President FW de Klerk expressed hopes that their all-important summit at Kempton Park yesterday would bring the political stalemate closer to an interim government and a constituent assembly.

In brief speeches before they went to a closed meeting, Mandela and De Klerk indicated that the first batch of 150 political prisoners might start breathing freedom from as early as last night.

They did not divulge details as Prison Correctional Services authorities were busy finalising documentation of the phased releases.

Speculation among ANC and government officials was that the first prisoners to be freed would include Mthetheli Mncube of Diepkloof, Soweto; his co-accused Euclid Nondula of Mdantsane in East London, and Robert McBride of Durban.

All three are Umkhonto weSizwe commanders

whose continued imprisonment was a major stumbling block to the summit.

Mandela said the ANC had come to the summit to earnestly tackle the problems facing the country rather than to score victories.

He said: "We have come here with the hope that the summit will a firm basis for the resumption of negotiations."

"Difficult as it is, it would be a grave mistake for any organisation to remain blinded by sectarian interests during talks."

De Klerk also expressed hope that the decisions of yesterday's summit would herald a breakthrough in establishing an interim authority that would lead to a new constitutional dispensation.

He emphasised the urgent need for a speedy end to the country's violence.

"We can't talk while our people are fighting. The summit today must be seen as milestone to peace and prosperity for all South Africans," he said.

Political prisoners get their freedom

By DESMOND BLOW

ABOUT 150 ANC political prisoners, including the last of the Uprising Sharpeville Six, were released from jails throughout the country between Friday night and yesterday following the agreement between the ANC and the SA government.

The three well-known MK cadres - Robert McBride, Mthetheli Mncube and Mzondleli Nondula, who were all sentenced to death for murder - will be released from tomorrow.

It is believed that more than 500 ANC inmates will be released by November 15 as well as Inkatha warlords and right-wing prisoners.

The Boerestaat Party on Friday appealed to State President FW de Klerk not to think only of ANC prisoners but to release "all boer freedom fighters" as well.

A Department of Correctional Services spokesman said although only ANC prisoners have been released, all prisoners who committed crimes with political motivation would be freed.

This, he said, would include Barend Strydom.

BOMBS AWAY!

ANC 3 TO GO FREE

C/press 27/1/92

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By THEMBA KHUMALO

THE release tomorrow of three jailed ANC commanders could resolve a number of problems in the bedevilled negotiations process.

The continued imprisonment of the three has been a stumbling block in a proposed summit meeting between ANC president Nelson Mandela and State President FW de Klerk.

The government had agreed to release at least 80 political prisoners, but refused to include Magoo's Bar bomber McBride, and Mthetheli Mncube and Mzondeli Nondula who planted landmines near Messina.

Three white women civilians died as a result of the Magoo's Bar bomb, and eight civilians died as a result of the blasts.

The government was adamant that the three did not fall within the definition of "a political prisoner" agreed on in the Pretoria Minute which saw the release of hundreds of prisoners over the past two years.

During several Press briefings government officials made no bones about the fact that because the three were convicted of murder, they did not qualify for release.

Solution

On the other hand, the ANC dug in their heels and demanded that no deal on a political solution was possible without the freedom of their three comrades.

Furthermore, the ANC said it had the names of 400 people being held for political offences.

However, there is considerable concern within the ANC that the controversy surrounding its three commanders had racial connotations.

The ANC believed strongly that its cadres were being "held to ransom" because most of the victims had included whites.

It is believed that their imminent release last year fell through after the government demanded that the three be swapped for SA prisoners jailed in Zimbabwe. The men were jailed for activities aimed at undermining Robert Mugabe's rule.



WAITING IS OVER ... Paula McBride, wife of condemned killer Robert McBride, says her husband never intended to harm innocent civilians. **By Pict ANDRIES MCINNEKA**

Some of them, including a Zimbabwean, were convicted for trying to assassinate ANC leaders living in safe houses during the days of the armed struggle.

Mncube's convictions included the murder of two white policemen and a black civilian.

He shot dead the two policemen who were transporting him to point out an arms cache near Messina just after his arrest in 1986.

This was after he had untied his hands from a shoe lace and grabbed an AK47 on which he was made to sit.

The civilian, Glabi Ncube, died after his bakie rode on a landmine which Mncube said had been laid on a dirt road for the SADF personnel who patrolled the area.

Earlier this year the Bloemfontein Appellate Division overturned

Mncube's death sentence on the murder of the two policemen and confirmed his death sentence on Ncube.

Mncube is currently serving 25 years at Pretoria Central Prison.

In the same breath the Appellate Division confirmed all six death sentences on Nondula for his part in the landmine killings. He is serving a jail term at St Albans Maximum Prison in East London.

McBride was serving a life sentence at Wentworth Maximum Prison for the killing of four whites.

Winifred Mncube, mother of Mncube, said she was treating the news of the release of her son cautiously.

"I don't want to comment until I've been told officially I've been disappointed too many times before," she said.

He's not a killer - Paula McBride

By DESMOND BLOW

PAULA McBride, wife of Magoo's Bar bomber Robert McBride, who will be one of three condemned killers released as political prisoners tomorrow, believes that at long last justice has been done.

She is adamant that her husband is a soldier and not a murderer and says that he and the other two cadres who will also be released, were acting on instructions from their Umkhonto weSizwe commanders.

"They were carrying out orders against SA security forces and did not intend to harm civilians," she said.

Paula, who works for Lawyers for Human Rights, said that the government had been contradictory in refusing to release the three as political prisoners, yet granting their Umkhonto weSizwe commanders in demerit.

Paula says she is sad for all those who have died in the struggle, black and white.

"Robert was ordered to plant the car-bomb outside Magoo's bar because MK intelligence had information that off-duty security personnel drank there," she said.

She said he had planted the bomb for two reasons in retaliation for the raid by security forces a year before in Botswana when a number of innocent civilians were killed, and to commemorate those killed in the June 16 riots 10 years before.

"I think the government refused to consider the release of Robert and the other two because white civilians had been killed, but the father of one of the victims was prepared to forgive."

"This man said that although he would never get over the pain and sadness of the death of his daughter, he felt Robert should be released for the sake of reconciliation."

"I found it incredible that a man who had lost a daughter could have found it in his heart to forgive when many other whites are so unforgiving," said Paula.

Mother is over the moon about release

By FRED KHUMALO

ASKED how the family was taking the news of Umkhonto weSizwe fighter Robert McBride's impending release, his mother Doris replied "We are over the moon, very excited indeed."

She said the family had been fighting for so long and were happy their years of fighting had not gone to waste. She said the family, which lives in Wentworth, south of Durban, was very much indebted to all those who gave them moral support during the trying times when her son was on Death Row.

Robert is the eldest in the family of three children. His sisters Bronwyn and Gwyneth are 28 and 22 respectively.

"I've just been talking to Paula (Robert McBride's wife) and she is also excited. She has been spending the whole night outside the conference room where government and ANC delegates were discussing the issue of his release. For her the news is like a dream come true."

McBride said the family, in conjunction with the Wentworth branch of the ANC, was planning a mammoth welcome home party for their 29-year-old son. She said her son was looking forward to completing his law degree which he started while in prison.

McBride hurt in pre-release knife attack

Own Correspondent (253)

DURBAN — MAGOO's Bar bomber Robert McBride was stabbed yesterday by a fellow prisoner at the Westville Prison — but the attack is not expected to delay his release today. *BLVD 28/9/92*

The Correctional Services Department said McBride, 29, was attacked in the prison courtyard but escaped serious injury.

In Pretoria, the department confirmed that multiple killer "Wit Wolf" Barend Strydom would be released today, Sapa reports.

Strydom and McBride are among about 150 prisoners convicted of politically-motivated crimes who are to be freed after agreements between government and the ANC.

More prisoners will be freed before November 15 in terms of legislation to be tabled in Parliament in October.

Strydom was sentenced to death eight times for shooting six blacks and one Indian on Strydom Square in Pretoria, and killing a black woman in a previous incident.

McBride detonated a car bomb in 1986. It killed three white women outside a crowded beachfront bar.

Referring to yesterday's attack on McBride, a spokesman said a warden intervened and tackled the assailant. The department immediately arranged medical treatment for McBride, though he was not seriously injured.

Shortly before the prisoner releases were announced, McBride's wife Paula said he had remained in prison while other ANC bombers were pardoned because his victims were white.

A total of 150 political prisoners will be released by this evening. They include ANC cadres Mzoncdeleli Nondula and Mthetheli Mncubi — found guilty of several counts of murder in connection with a Messina landmine explosion and the subsequent shooting of policemen.

President de Klerk said at the weekend that the country had arrived at "a crossroads in our history" and the releases would take place "to unlock the future".

the nation in brief

Wit Wolf goes free today

Sowetan 28/9/92
MULTIPLE killer "Wit Wolf" Barend Strydom will be released from the Pretoria Prison today.

This was confirmed by Department of Correctional Services spokesman Lieutenant-Colonel Roy Gamble in Pretoria yesterday.

Gamble confirmed that Magoo's Bar bomber Robert McBride would also be released today from the Westville Prison, outside Durban.

Strydom was sentenced to death eight times for having shot dead seven blacks on Strijdom Square in Pretoria, and for having shot dead a black woman in a previous incident.

McBride detonated a car bomb in 1986 which killed three white women outside a crowded beachfront bar. - Sapa

PAC, Govt to meet soon

Sowetan 28/9/92
THE Pan Africanist Congress and the Government have agreed to meet soon at senior leadership level in a neighbouring country to discuss a new constitution, the two sides said in a joint statement yesterday.

"The Government will be represented by senior members of the Cabinet and the PAC by senior members of its national executive committee," said the statement released by Constitutional Affairs Minister Roelf Meyer and the PAC's Secretary for Foreign Affairs, Mr Gora Ebrahim.

"The meeting is to take place soon. Details of the venue, date and agenda of the planned meeting will be released in due course" - Sapa.

Marching to Benoni

THOUSANDS of Daveyton and Wattville residents are to march on the Benoni Town Council today to demand a written reply to a memorandum they handed to the municipality a week ago.

They also resolved to pay a R50 flat-rate only and threatened to call a three-month consumer boycott of all businesses in Benoni if their minimum demands in the memorandum were not met. They demand - among other things - a single municipality for Benoni and its satellite townships.

Sowetan 28/9/92
The ANC, PAC, AZAPO, Inkatha Freedom Party, local taxi associations, churches and business groups endorsed the march. - Sowetan Reporter

More power to women

WOMEN should be in the forefront of efforts to rebuild the family along lines that benefit society.

This was said by Ms Thandeka Mgoduso of the Imbeleko Women's Organisation during a women's conference at the Eskom conference centre in Midrand at the weekend.

The conference, organised by the Community Development Foundation titled "Women and The Constitution," was addressed by women from various organisations including the ANC, PAC, IFP, Azapo and the Democratic Party.

Sowetan 28/9/92
Some issues tackled were: Women's Rights in a Constitution, Women and Economic Activity and Education and Development. - Sowetan Reporter.

City man ETZ 19/97 hanged in cell after arrest (253)

Staff Reporter

A BANTRY BAY man was found hanged in his cell at Parow police station at the weekend after being arrested in connection with the theft of R1 million worth of office equipment.

The man had allegedly stored the goods in containers in Parow and Johannesburg, a police spokesman said yesterday.

The spokesman said Mr Alan Marshal Michaels, 46, who was divorced and lived on his own, was formerly from Zimbabwe.

Mr Michaels was arrested on Friday after the computer furniture company he worked for laid charges of theft against him.

The police spokesman said it was alleged that Mr Michaels had removed office furniture and computers from the Parow premises where he worked.

He also appeared to have his own "personal problems", he said.

Man dies in custody

A 46-year-old man was found hanging in a police cell in Parow, in the Western Cape, early on Saturday morning.

Police spokesman Colonel Anthony Dewhurst said the man

whose name would be released once his next-of-kin had been informed

was arrested on Saturday afternoon on a charge of theft of office equipment valued at about R1-million.

Hourly checks were made by charge office staff. At 2.45am, two

police officers found the man hanging by strips of blanket from a cross-

beam on his cell door. Dewhurst said an inquest could be held. *Sapa*

Own Correspondent and Sapa

Multiple murderers Barend Strydom and Robert McBride will both be freed from prison today, the Department of Correctional Services said yesterday. Strydom, convicted of murdering eight people, will be released from the Pretoria prison. McBride, convicted of murdering three women in the Magoo's Bar bombing on Durban's beachfront, will be

Strydom, McBride to be released today

Star 28/9/92

released from the Westville prison, outside Durban. Both men previously had their death sentences commuted to life, and will be freed in terms of the weekend agreement between the Government and the ANC. Their pending releases were confirmed yesterday by the Department of Correctional Services spokesman Lieutenant-Colonel Gamble in Pretoria.

Strydom was sentenced to death eight times by Mr Justice Louis Harms for having shot dead six blacks and one Indian on Strydom Square in Pretoria, and for having shot dead a black woman in a previous incident. McBride detonated a car

bomb in 1986 which killed three women outside a crowded beachfront bar. ANC southern Natal chairman Jeff Radebe said McBride (29) would be released on parole but he would be indemnified once the State President made changes to the law in Parliament next month which would allow him to grant

such indemnities. "I am astonished and delighted that Robert will be released. It means that we can get on with the normal things in life," said his wife, Paula (34), who tied the knot with McBride at a shoot service on Pretoria's Death Row three years ago. His mother, Doris McBride, said the couple may

decide to go overseas as they feared for his safety. Mrs McBride (55) spoke of her understanding and compassion, as a mother, for the families of those killed by the bomb her son planted. "I know how they feel and I would feel the same, but Robert did not go out to kill those people and was not alone, and in fact it was not

his idea (to place it there). He did not know the victims and did not mean to hurt them."

Strydom's stepmother, Daphne Strydom, said at the weekend the family had received no word from the authorities about the release. "Whenever the phone rings it may be news that he is free. We are very excited," she said.

● Amnesty applies to all affiliations — Page 3

'Crimes atrocious, but slate must be wiped'

STAR 28/9/92

The Government regards as "atrocious and morally inexcusable" many of the crimes committed by the prisoners it is releasing, according to a statement issued on Saturday night by the Department of Communication Services on behalf of the Government

The statement said the Government maintained its position that all political prisoners, as defined in terms of internationally accepted guidelines, had been released some time ago in terms of previous agreements

The statement read "In a spirit of reconciliation and pursuant to agreements reached between the Government and the ANC in preparation for Saturday's meeting between the State President and Mr Mandela, the Government has decided

to release a number of prisoners, who were imprisoned for politically motivated crimes, on the following basis

Affiliation

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● "The prisoners concerned must have committed crimes with a political motivation.

● "Their crimes must have been committed before October 8 1990, which is the cut-off date agreed to by both the Government and the ANC

● "All prisoners who fall within this category are eligible for release, regardless of their political affiliation."

The statement said as many as 150 prisoners had already been released, or were being released

Others would be released before

November 15 in terms of legislation to be presented in Parliament next month

The statement added "The Government's action in releasing these prisoners does not signify condonement of the crimes which they committed — many of which were atrocious and morally inexcusable"

The Government had, however, accepted that national reconciliation and a comprehensive political settlement would require "that the slate should be cleaned with regard to all persons who have committed crimes with a political motivation"

"Only on this basis can the book finally be closed on the conflict and bitterness of the past," the statement said

Sapa

● Smiling McBride one of three ANC prisoners released

● Rightwing murderer 'Wit Wolf' Strydom poised for liberty

Killer's walk free

APG
253 28/9/92

DURBAN. — Magoo's Bar bomber Robert McBride walked free from Westville Prison today amid tight security following death threats and an earlier attack by other prisoners.

Former death row prisoner and Messina treason trialist Mzondeloh Nondula, and another political prisoner, were released from Fort Glamorgan prison, East London, at daybreak

Wit Wolf Barend Strydom, the rightwinger sentenced to death eight times for killing seven blacks and an Indian, was also due to go free today from Pretoria Central Prison

A large police contingent and at least 50 heavily armed warders were at Westville's gates to ensure McBride's safe release at 10.25am

The smiling Umkhonto we Sizwe fighter was accompanied by his wife Paula, ANC deputy president Mr Walter Sisulu, and several Natal ANC officials

He was taken away for a private meeting shortly after being freed and is due to address a news conference at 4.15pm

A large international press corps jostled with ANC supporters who shouted 'Viva McBride' and 'We will protect you' as the bomber left prison. McBride, jailed in 1981 for the



Amnesty threat

CT 29/9/92 (253)

By ANTHONY JOHNSON and BARRY STRESEK

THE ANC has threatened to review legislation President F W de Klerk has promised to push through Parliament next month providing for a blanket amnesty for all political offenders.

ANC spokesman Mr Carl Niehaus cautioned yesterday that Mr De Klerk's announced intention to introduce a law during the short session "to wipe the slate clean in all directions" could be short-lived.

"There is nothing to guarantee that we (an ANC government) might not withdraw that piece of legislation," Mr De Klerk, as well as those re-

ceiving amnesty from such a development must realise this," he said.

Mr Niehaus added that any amnesty granted by the government on this basis "could be a temporary and shaky affair".

His remarks follow sharp differences of interpretation on the amnesty/political prisoner issue voiced on television by Mr De Klerk and Mr Nelson Mandela after their weekend summit.

One possibility under consideration was that the organisation would retain the right to review and reassess the situation of all the prisoners released under Mr De Klerk's amnesty, a senior ANC negotiator told our correspondent in Johannesburg.

This would not become a stumbling block in the negotiations process, but



FREE. Mthetheleni Mncube, one of two ANC cadres freed yesterday, is embraced by relatives. He and Mzondelani Nondula were convicted of the landmine deaths of

Amnesty threat (253)

the ANC would be looking at taking corrective action.

"There is no way that the government can grant amnesty to its own forces. We are happy to consider amnesty as a mechanism to forge reconciliation, but this is the preserve of an interim government of national unity," he insisted.

Mr De Klerk said during SATV's Agenda programme that he had made it clear at the summit that "we intend to pass legislation which will not only deal with prisoners but also with regard to indemnity for those who have not been charged with the same offences committed with a political motivation".

When indemnifying or releasing individuals the same test — "political motivation" — would apply to everyone.

However, Mr Mandela insisted that the granting of indemnity to senior state officials would have to be dealt with by an interim government.

This was a totally different situation to freedom fighters opposing a system — apartheid — which the United Nations had declared "a crime against humanity".

The government wanted a blanket amnesty. "We find that unacceptable."

In the ANC's view, there was not a linkage between the political prisoners currently being released and a general amnesty.

Mr Niehaus said the ANC would in-

sist that the granting of indemnity should apply only to those offences which individuals owned up to — as had been the case with ANC prisoners and exiles.

In the interview on Sunday, Mr Mandela said "What the government wants to do is pardon senior state officials and all those who committed crimes under the influence of apartheid".

If freedom fighters wanted a pardon, they had to detail the crime for which they wished to be identified.

"In our view this is not the position with the contemplated legislation by the government. They would just like a blanket general amnesty. We find that unacceptable.

"Everybody should state very clear-

ly what crime he has committed and that is why we say the whole question must be dealt with by us jointly in an interim government."

"We will not do so from a point of view of revenge. We don't intend to have a Nuremberg trial. We will do so from the point of view of reconciliation."

On Saturday, Mr De Klerk said the legislation he was proposing to Parliament would be on the same terms as the indemnity law applied to the ANC and he rejected Mr Mandela's objections that an interim government should decide.

He said he and Mr Mandela differed on this issue but he was nevertheless going ahead with his plans.

Released prisoners pledge reconciliation

SA's prison doors yesterday opened for four men whose attacks on "soft targets" in the '80s cost 22 lives.

Robert McBride, Barend Strydom, Mthetheleli Mncube and Mzondeleli Nondula were among scores of "political" prisoners released under the government-ANC Record of Understanding

McBride, 29, whose bomb killed three women outside Magoo's Bar in Durban, walked out of Westville Prison to be greeted by a wave of white resentment

McBride and his wife Paula are being guarded around the clock by ANC cadres

PATRICK BULGER

After the weekend incident in which fellow prisoners stabbed him, the ANC fears further attempts on his life

After being met by jubilant supporters and ANC deputy president Walter Sisulu, McBride committed himself to reconciliation in SA, but warned that if he was confronted with similar circumstances to those in 1985 he would not hesitate to take up arms against government

"Wit Wolf" Strydom ducked supporters and a media contingent waiting outside

Pretoria Central Prison. The man who smiled as he gunned down blacks in central Pretoria had decided to leave unannounced by another exit, his father Nic said. Supporters in AWB uniforms muttered as they rolled away their Vierkleur flags. Afrikaans Sunday newspaper Rapport has bought the story of former policeman Strydom, whom Judge Harms described in his 1989 trial as incapable of rehabilitation

Hours earlier in Pretoria, Messina landmine trialist Mthetheleli Mncube emerged

To Page 2

Prisoners

from the visitors' hall at Pretoria Central Prison to be greeted by family members, attorney Azhar Cachalia and ANC officials Mathews Phosa and Carl Niehaus

Mncube made a short appeal for reconciliation, but said he had no regrets for what he did "in good faith".

"I am very happy. I have no bitterness in my heart because the new SA should not be established on the basis of anger, revenge and bitterness, but on love, forgiveness and reconciliation," he said.

With Mzondeleli Nondula, released in East London yesterday, Mncube landmined Messina farm roads in 1985, killing eight people. After being arrested and tied up with shoelaces in the back of a police truck with four loaded AK-47s, he broke loose and shot dead two security policemen. He and Nondula were sentenced to

death, but the sentences were later commuted to life in prison

Walking free from East London prison, Nondula said he regretted lives had to be lost as a result of armed struggle, but he had no regrets at taking up arms to restore his people's dignity

"There is no crime worse than that of depriving a person of his dignity."

Former police captain Brian Mitchell, sentenced to death for the murders of 11 people in the Trust Feed trial in June, could be one of those freed in terms of government's proposed amnesty legislation, a Correctional Services Ministry spokesman said yesterday. The Trust Feed massacre took place in December 1988

● Picture Page 3
● Comment: Page 6

Mom hurt as Strydom, wife disappear on honeymoon

By Helen Grange
and Own Correspondent

The mother of mass murderer Barend Strydom was upset and disappointed with her son's disappearance yesterday from Pretoria Central Prison straight to Pretoria to be with his "in-laws".

The "Wit Wolf" and his young bride Karin — whom he married while in prison — left after lunch at a house in Pretoria for a secret-destination honeymoon, according to her brother, Deon Rautenbach.

Mr Strydom's mother, Daphne Strydom, speaking from Heidelberg, was unaware of the decision yesterday afternoon, saying in a notably upset tone that her son had not told her of his plans.

"He is somewhere with his in-laws. I don't know .."

"He just went off with his wife to his mother-in-law who is in Pretoria somewhere. I haven't even spoken to him, so I don't know what his plans are."

"All he said to me when he was walking from the prison was that he was tired and he didn't feel what was happening to him was real."

Mr Strydom left the prison through a side entrance with his wife, disappointing a large media contingent and a handful of excited khaki-clad rightwing well-wishers wielding the

STAR 29/9/92

"Vierkleur" and Free State republic flags.

Orde Boerevolk leader Nic Strydom and his wife arrived at the prison early yesterday to witness their son's release.

Mrs Strydom was visibly upset when her husband announced apologetically to the media that his son would not be leaving through the main gate.

Mr Rautenbach said Barend and his wife had lunched with family members and a few friends before departing on their honeymoon.

"Barend looks very good and was in good spirits. It was as if he had come back from an overseas visit, rather than four years in jail. He was relaxed and pleased to see his family."

Speaking from his home near Brits, Mr Rautenbach said "When Karen heard he was being released, she couldn't believe it. She thought it would be at least 10 years before he would be let out."

"We have to thank President de Klerk for releasing Barend. What he did is a sign of a true statesman."

"Barend would not do what he did again as the country has changed and the Government is now prepared to speak to us," said Mr Rautenbach.

It is understood that Mr Strydom has sold his story exclusively to an Afrikaans Sunday newspaper.

McBride reconciled with State witness co-accused

By Esther Waugh
Political Reporter

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Released Umkhonto we Sizwe commander Robert McBride has been reconciled with his co-accused, Matthew Lagordier, who testified as a State witness against him and was subsequently not charged.

Mr McBride was released from Durban's Westville prison yesterday after an agreement on the release of remaining prisoners was reached between the ANC and the Government at the violence summit. He was sentenced to death in 1986 for the Magoo's bomb blast which killed three people.

He told The Star from his parents' Wentworth home yesterday that he had initiated the contact with Mr Lagordier, who first visited him in the Westville prison two weeks ago and was among the many well-wishers at his parents' home yesterday.

Mr McBride said reconciliation first meant admitting that there had been conflict in the past and people either fought against or in favour of apartheid.

"Our energies were directed at the Government — to get the Government to talk to us — and that was the purpose of the armed struggle."

He said reconciliation involved fostering political tolerance and stopping "rabid incite-

ment". Mr McBride said he would now work towards reconciliation in the country. He had already started after his release by not making inflammatory statements or recalling ill-treatment in prison or the years of oppression, he said.

"We must move from the emphasis on the past to a vision for the future."

He understood that relatives of the three people killed in the bomb blast, for which he was responsible, were bitter.

"I am sorry people were killed. In conflict situations people do get killed. I did not want anyone to die," he said.

He denied that there was no link between his release and that of Barend Strydom.

Mr McBride said: "Strydom was imprisoned in the Government's jail and they could do with him what they wanted to."

"I always expected they would release him," he added.

Mr McBride has not taken any decision on his future but would "fit in where the ANC needs me".

In a message to South Africans, Mr McBride said. "Think of the future. Think of your children and your children's children. Would you like them to grow up in the stubbornness and racism (of the past) or do you want them to join the fellowship of human beings?"

Freed cadres have no regrets

By Brian Sokutu
and Musa Mapisa

STAR 29/9/92
Umkhonto we Sizwe (MK) cadres Mzondedeli Nondula and Mthetheleli Mncube, who spent years together on Pretoria Central Prison's Death Row, walked to freedom at opposite ends of the country yesterday.

The two men, sentenced to death in 1987 for a spate of fatal landmine bombings in the Messina district, expressed the same sentiment of loyalty to the ANC.

When Mr Mncube (32) walked out of Pretoria Central, he expressed his thanks that ANC president Nelson Mandela had saved his life.

Outside Fort Glamorgan Prison in East London, Mr Nondula (29) said. "Even if we were hanged we wouldn't regret what we did because those were the darkest days in our history



Free . . Mthetheleli Mncube hugs his wife.

"Our mission was to free South Africa from apartheid."

At the home of Mr Mncube's parents in Diepkloof in Soweto, ululation was heard throughout the day as old friends, relatives and neighbours came to visit the family.

The neighbourhood

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was bustling with activity as women, including Mr Mncube's wife and sisters, served visitors with food and drink.

Mr Mncube said he was happy to be back home and he had never really lost hope.

He had not made up his mind on future plans and needed to "readjust to the life outside the prison first".

He expressed the hope that negotiations between the Government and the ANC would succeed.

Speaking to The Star from the ANC's East London offices, Mr Nondula said although he was thrilled about his release, he realised he had to face the reality of poverty at home.

"I'm happy to be home. But the reality is that conditions at home are terrible.

"I'm from a family of seven there are school children and most of my family are unem-

ployed"

Mr Nondula, transferred from Pretoria Central to Fort Glamorgan in May after his death sentence was commuted, had planned to complete his matric in jail.

He received his first batch of lectures from a correspondence college only three days before being released, and now plans to continue.

"Hardship won't deter me from continuing my studies," he said.

Asked about his arrest with Mr Mncube at a police roadblock on the border of Bophuthatswana and South Africa on January 2 1987, Mr Nondula said: "To me that part of my personal history will be difficult to erase.

"It was up to me to prove whether I'm committed to what I am. a member of MK.

"When the judge sentenced us to death, the challenge was more frightening."

Prisoners walk to freedom

■ **WIT WOLF** Strydom disappoints right-

wingers who waited for him:

Sowetan 29/9/92

By **Themba Molefe**
Political Reporter

THE first phase of the release of remaining "political" prisoners which began at the weekend continued with the freeing of four key inmates yesterday

Those released were mass murderer Barend "Wit Wolf" Strydom and Umkhonto we Sizwe guerrillas Mthetheleli Mncube, Mzondeleli Nondula and Robert McBride

The releases followed Saturday's summit between State President Mr FW de Klerk and ANC president Mr Nelson Mandela and precedes legislation to be passed in October which will allow for the freeing of more prisoners

Mncube and Strydom were released from the Pretoria Central Prison, McBride from Durban and Nondula from East London

Speaking to journalists outside the prison gates, Mncube said "I am happy to be free, but I don't think Strydom was a political prisoner. He is a criminal who intentionally killed innocent people

"I feel sorry for the civilians (killed in a series of landmine blasts in Messina between November 1985 and December 1986) who lost their lives. They were caught in the crossfire. I am indeed sorry"

He repeated his statement that he was a soldier, adding that he regarded himself as a prisoner of war

He had no regrets because he acted in good

faith as a "disciplined member of the ANC"

"The new South Africa should not be built on anger and bitterness but on love, forgiveness and reconciliation," Mncube said

As he spoke, the Vierkleur flag hoisted by right-wingers flew nearby as a handful of khaki-clad men and women waited for Strydom who evaded the Press and left the prison through a secret exit

It is understood that the Sunday Afrikaans newspaper *Rapport* has bought exclusive rights to the Barend Strydom story

The right-wingers left in disenchantment after waiting for more than three hours in the heat.

McBride was jailed in 1986 for the bombing of Magoo's Bar, a popular Durban beachfront pub. Three young women were killed. His death sentence was later commuted to life

Nondula (30) and Mthetheleli Mncube (32) were found guilty of 11 counts of murder for laying a number of landmines in the Messina district

Nondula's death sentence was later commuted and he was transferred from Pretoria to Fort Glamorgan in May this year. Another political prisoner, Sylvia Mgingwana, was also freed today from Fort Glamorgan in East London, according to *Sapa*

All five prisoners were released on parole

A spokesman for the Ministry of Correctional Services said the parole conditions would be cancelled in the event of Parliament passing legislation making the unconditional release of life prisoners possible

New lease on life

Mthetheleli Mncube (31): Trained commander of the ANC's Umkhonto We Sizwe. Arrested in Messina in 1986. Sentenced to death for murder, including those of two policemen, and attempted murder. Death penalty commuted to life

Mzondeleli Nondula (30): Arrested in Bophuthatswana in 1986. Sentenced to death for six murders. Death penalty commuted to life

Robert McBride (29): Sentenced to death three times in 1986 for the murder of three young women killed in a bomb blast at Magoo's Bar in Durban. Death sentence commuted to life.

Barend Strydom (26): Self-styled leader of the "Wit Wolwe". Received the death sentence eight times for the murder of blacks he randomly shot in Pretoria's Strydom Square and at De Deur in November 1989. Death penalty commuted to life

They are

OUT

■ **BACK HOME** New row erupts as political

prisoners are released from jail:

253 ~~253~~

AS high profile prisoners "Wit Wolf" Barend Strydom and the ANC's Mthetheleli Mncube, Mzondeleli Nondula and Robert McBride walked free yesterday, a new row has erupted over Government plans for a general

amnesty. The plan was slammed as an attempt to exempt from prosecution State officials involved in the killing of anti-apartheid activists.

See story page 2



Mthetheleli Mncube gives the clenched fist salute as he leaves Pretoria Central Prison after being freed on parole in terms of a deal on the release of political prisoners struck by the ANC and the Government at the weekend. PIC: MBUZENI ZULU

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McBride out but 'not free'

CT 29/9/92

(253)

DURBAN — ANC freedom fighter Robert McBride said he may have been released from prison but, he was not yet free as he was still a second-class citizen without a vote

McBride, is one of 148 political prisoners released this week

Speaking after his release yesterday McBride said he understood the resentment from the families of the victims

"What's taken place was not just because we (the ANC) are bloodthirsty. The reasons behind all the acts, not only mine, is for the achievement of peace and democracy"

McBride said he wanted to contribute to the new South Africa and would do so by working tirelessly for reconciliation

If he were to be confronted with conditions similar to those in 1985 he would not hesitate to take up arms

"Even though I have been released from prison I am not yet free I still find myself a second-class citizen. We are still struggling for a non-racial, democratic united South Africa," he said

ANC officials said McBride and his wife would be escorted to an

Ex-prisoners fear hit squads

JOHANNESBURG. — Tefo Fetlaba, one of nine prisoners released from Leeuwkop Prison's maximum security wing at the weekend, said he and his compatriots feared becoming targets of "hit squads and the askaris".

Fetlaba, sentenced to death in the Eastern Cape in 1986 for murder and public violence, was reprieved in February, 1991, and given a 20-year prison sentence instead

Fetlaba said he now had to adapt to life outside prison

"The situation outside is volatile, and we don't know if we'll be targets for hit squads and the askaris"

Because of the threat of assassination Magoo's Bar bomber Robert McBride and his wife are being given a 24-hour ANC bodyguard.

As an emotional reunion with his family took place outside the Westville prison gates yesterday a cadre of ANC bodyguards moved in to protect him. — Sapa

undisclosed location, where it is believed the couple will begin their honeymoon, delayed by more than three years. They married while McBride was on death row for killing three young women in a car bomb outside Magoo's Bar, Durban, six years ago

● Mthetheleli Mncube, 32, convicted of laying landmines near Messina which killed seven people, said he regretted the loss of life but had no regrets

Speaking on his release from prison, he said a new South Africa should not be built on anger and bitterness but on love, forgiveness and reconciliation

● The only Western Cape prisoner to be freed was Dolf Saay-

man in Worcester

Others who could still be freed according to an SACP list are Patrick Maginda in Pollsmoor, Desmond Majola and Dickson Madikane in Brandvlei, Worcester, who are serving life sentences for the murder of a councillor in Bridgton, near Oudtshoorn, in 1986

Other Western Cape political prisoners named by the SACP are Lindela Ruben Sakuthu and Terence Nkwawuli in Pollsmoor, Baba Sikwaza, Soliwi Wanda Maluwgisa, Solly Khonco, Michael Twaze, Patrick Nongwe, Eben Vermaulen, Burgerz Matiti, Maxwell Mathontsi, Terence Sizane, Mbulelo Posile and Sidney Daniels in Brandvlei, Reginald Cyster, Grosby Ndumisa and Vuyisile Benjamin Kana at Victor Vester near Paarl

CT 29/9/92

Hopeful prisoners seek help

Staff Reporter

ANXIOUS prisoners have contacted Lawyers for Human Rights over the past few days to find out whether they qualify for release, an LHR spokesman said yesterday.

Mr Jody Kollapen said meetings to inform prisoners about their rights had been arranged at prisons.

More than 300 applications for

the release of prisoners on political grounds had been filed by the organisation, he said.

The ANC has not released the list of 500 political prisoners it hopes will be released before November 15 this year

ANC spokesman Mr Carl Niehaus said that by last night more than 150 ANC prisoners would have been released

Meanwhile, the defence for Mr Bekizizwe Jamile, the former

KwaZulu, deputy minister of the interior who is serving a life sentence, has requested his release on political grounds

Disquiet in the ANC about the release of "Wit Wolf" Barend Strydom persisted yesterday

ANC legal adviser Mr Mathew Phosa said his release had not been part of their agreement. The ANC had never considered him a political prisoner, he said.

NEWS

Released STAR prisoners 29/9/92 named (253)

The following is a list of released prisoners and the prisons they were freed from, as provided by the Department of Correctional Services.

The prisoners were released in terms of the agreement between the Government and the ANC at the weekend:

L August (East London), M E Beta (J C Steyn), J Buthelezi (Durban), C Danster (St Albans), N Delhlazo (Goedemoed), B B M Dick (St Albans), M Dorana (Groenpunt), S Garedeka (St Albans), M M Ggezengele (St Albans), M Grootboom (J C Steyn), S L Gumede (Modderbee), T F Gushie (Goedemoed), M Haba (Goedemoed), V P Jacobs (J C Steyn), T Jama (St Albans), L James (East London), M B Jawa (J C Steyn), S Ketye (J C Steyn), E L Khasu (Grootvlei), M Lwayo (East London), M Lucas (Pretoria), Z Madasi (Goedemoed), T H Magaba (J C Steyn), M M Magagulo (Barberton), P Mahlangu (Leeuwkop), E Mahleza (St Albans), P Majola (Winburg), M Makeleni (St Albans), B Z Maledi (St Albans), N E Manzini (Barberton), V Maqhubela (Goedemoed), K Mathenjane (Baviaanspoort), M Maxasa (East London), S T Mbambo (J C Steyn), M Mbotyana (St Albans), V Mcanda (Goedemoed), S Mdabongaye (Port Elizabeth), M Mdiza (Grahamstown), S M Mdunge (Barberton), T Mhlawuli (St Albans), M Mjacu (St Albans), N Mnyamana (Goedemoed), J Mohlala (Pretoria), Z Zokgatle (Upington), S Molepo (Baviaanspoort), J Moseki (Leeuwkop), L Motsamai (Leeuwkop), M Mqalo (Groenpunt), N Mrwebi (Middelburg), W Ndamana (St Albans), Z Ndwana (St Albans), J Netshipe (Baviaanspoort), M Ngesmane (St Albans), S M Ngubo (Durban), D Nkosi (Pretoria), E M Nkuna (Barberton), F Monde (Goedemoed), P Lunga (Goedemoed), M Qhuzá (St Albans), Z Rasayé (St Albans), E Ratone (Leeuwkop), P P Rawula (St Albans), M W Rikhotso (Leeuwkop), M Sawuli (Goedemoed), R Sefatsa (Leeuwkop), B C Siboza (Witbank), M Simana (Grootvlei), A Staitai

(Grootvlei), Z G Tana (Goedemoed), M Tshabalala (Modderbee), M Tshibo (J C Steyn), S Twale (Johannesburg), F Tyahye (St Albans), A Tyenele (Goedemoed), G van Staden (St Albans), S Watermeyer (St Albans), A Zamxaka (Goedemoed), M Batyi (Goedemoed), T S Booysen (Grootvlei), Z Dyani (Queens town), G Gqwentam (East London), N J Khosa (Barberton), D Lukhele (Barberton), M C Makeleni (Goedemoed), J Mbatha (Groenpunt), N C Mdayi (Goedemoed), D V Nomaganga (Grootvlei), N N September (St Albans), E Shongwe (Barberton), P Mnsi (Barberton), V Jack (Grootvlei), T Boo (St Albans), T Mene (St Albans), B Mziwakhe (J C Steyn), J Mzwandile (St Albans), G Bennett (J C Steyn), R Mphalane (J C Steyn), B G Mashego (Barberton), D L Mashego (Barberton), K G Menyolo (Barberton), S Gowya (East London), L Malaza (Pretoria), J Mamayo (East London), S M Mhlongo (Durban), J Mōlobeng (Grootvlei), H W Ntombela (Leeuwkop), P T Sétlaba (Leeuwkop), M Modipane (Barberton), A Mogakane (Barberton), D Khoza (Barberton), T Mehlo (St Albans), S Qatana (St Albans), S Duma (East London), S T Mabanga (Goedemoed), K V Dabula (St Albans), G Skosana (Pretoria), P Dhlabathi (Pretoria), M Boss (J C Steyn), S Jantjies (St Albans), N N Boss (St Albans), K Zono (Goedemoed), S Blackey (St Albans), T Mngeni (St Albans), M Tokgesi (Leeuwkop), M Zangqa (J C Steyn), M Ndevu (Goedemoed), A T Boss (St Albans), N Nkona (St Albans), D Saayman (Worcester), M Livingston (J C Steyn), M Ntantiso (Goedemoed), V W Khuzwayo (Durban), D J Majola (Sevontein), B Sabelo (Durban), W Matshile (Leeuwkop), M Nyusha (J C Steyn), T H Cilana (St Albans), V D S Gani (Goedemoed), V Heteni (St Albans), C Jaxa (Goedemoed), A Mbaza (Barberton), M Khumalo (Durban), P Sishuba (Grootvlei), M Sobekwa (Goedemoed), J Tsawane (Leeuwkop), S Lebepe (Baviaanspoort), H Chicken (Grootvlei), M Kelly (Barberton), M Sello (Barberton)

Mitchell 'may be freed'

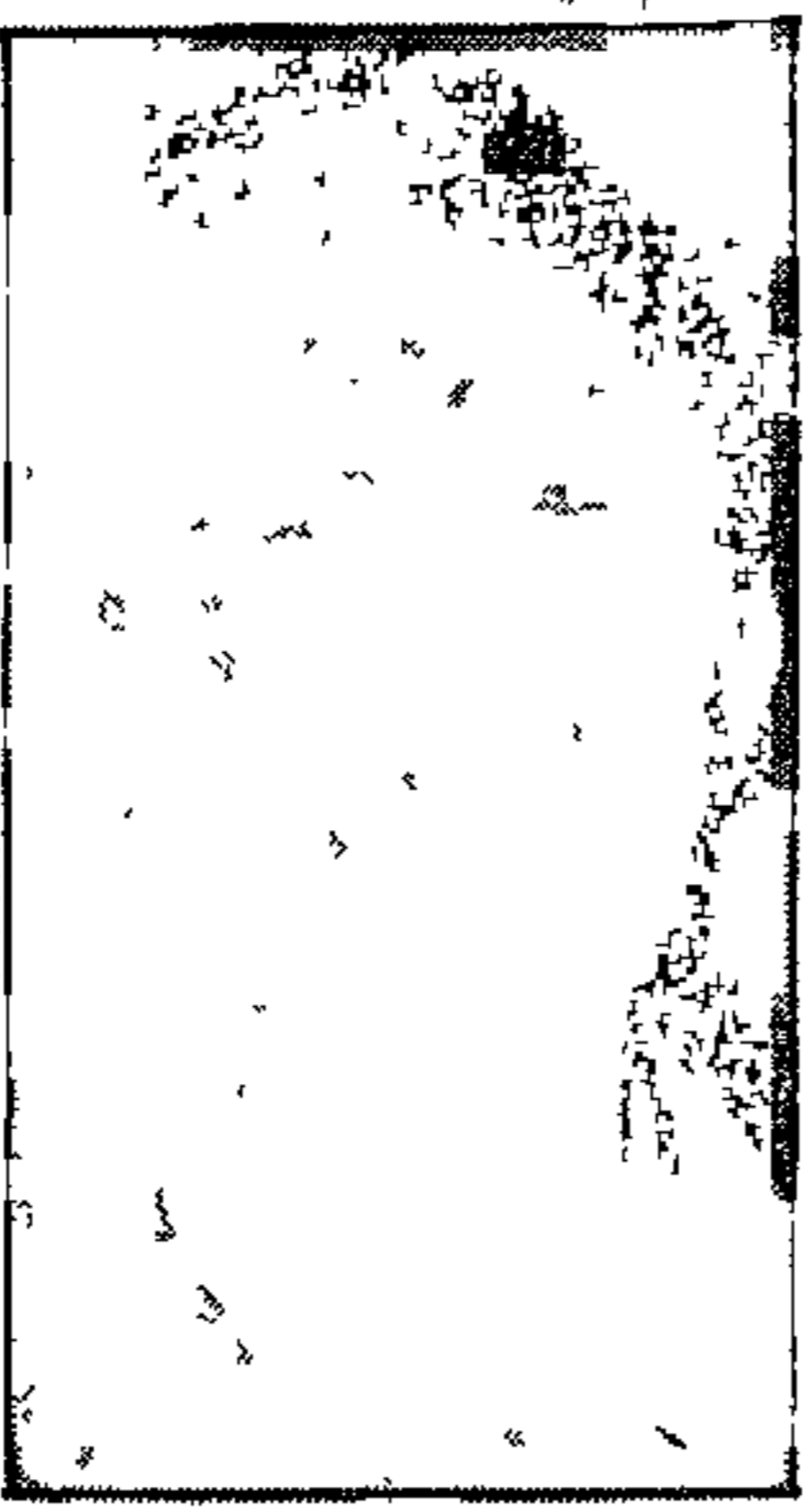
FORMER police captain Brian Mitchell, sentenced to death for the murder of 11 people in the Trust Feed trial in June, could be one of those freed in terms of proposed amnesty legislation, a correctional services ministry spokesman said yesterday

Mitchell was convicted of the murders which took place in December 1988, well before the cut-off point of October 8, 1990, for politically-motivated crimes

His counsel, Mr Etienne du Toit, SC, argued during his trial that Mitchell had a political motive and that he believed the people in the Trust Feed house had to be killed in the interests of the country — "however distorted that belief may be when objectively viewed"

This argument was, however, rejected by Mr Justice Andrew Wilson, who said it was difficult to imagine a killing which contained as many aggravating factors

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Barend Strydom met by khaki-clad supporters

McBride, Strydom released on parole

STAR 29/9/92

Staff Reporters and Own Correspondents (253)

Five life prisoners, including Magoo's Bar bomber Robert McBride and "Wit Wolf" Barend Strydom, were released on parole yesterday

Their release followed the freeing of other prisoners at the weekend as one of the preconditions for Saturday's summit between State President de Klerk and ANC president Nelson Mandela

Mr Strydom was released from Pretoria Central Prison at 11 20 am

A huge group of journalists and a handful of khaki-clad rightwingers waving the Vierkleur waited for him outside the prison for hours

Magoo's bomber Mr McBride (29) walked out of Durban's Westville prison at 10 25 am under tight security following death threats and an attack on him by other prisoners on Sunday

He was accompanied by his wife Paula, ANC deputy president Walter Sisulu and several Natal ANC leaders His mother Doris, father Derek and other family members were joined by friends and ANC supporters

Mr McBride was jailed in 1986 for the bombing of Magoo's Bar Three young women died in the blast His death sentence was commuted to life imprisonment

Former Death Row prisoner and Messina treason trial accused Mzondeleli Nondula, and another political prisoner, were released from Fort Glamorgan prison in East London at daybreak

Mr Nondula (29) and Mthetheleli Mncube (32) were found guilty of murder for laying a number of landmines near Messina in 1987 Mr Mncube said on his release from Pretoria Central Prison yesterday that he had no regrets over the deeds he had done in good faith

Another political prisoner, Sylvia Mgingwana, was also freed yesterday from Fort Glamorgan in East London

Ms Mgingwana was jailed for life in 1982 for murder and robbery

Four Transport and General Workers' Union members have also been freed Johannes Buthelezi, Stanford Ngubo, R B Sabelo and Vusumuzi Khuzwayo — also known as the Putco Four — were convicted and sentenced to death in 1987 The sentences were later commuted to prison terms ranging from eight to 12 years

A Ministry of Correctional Services spokesman said parole conditions of the life prisoners would be cancelled in the event of Parliament passing legislation making the unconditional release of life prisoners possible

More reports - Pages 3 and 5



Robert McBride gives the thumbs up as he leaves Durban's Westville prison yesterday. McBride was released in an amnesty agreement between the ANC and the Government. He had been sentenced to death, which was commuted to life imprisonment, for a car bomb attack that killed three people. Picture AP

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Police chief 'appalled' by release

Robboer freed in amnesty

error?

(253)

1979 29/9/92

Staff Reporters

A MAN thought to be one of South Africa's most notorious bank robbers was freed on Saturday as part of the amnesty for political prisoners.

The Department of Correctional Services is today investigating whether a blunder was made when Mr. Lucky Malaza was released at Pretoria Central Prison on Saturday.

DUBI 1989 a lucky Malaza and a Fanyana Mhlambi were convicted in the Cape Supreme Court of robbing a Mowbray bank of R57 000 and killing a policeman in the ensuing gun battle on September 3, 1987.

The head of Peninsula Murder and Robbery, Colonel Leonard Knipe, said he had "irrefutable" evidence that the Malaza who was released was the bank robber

"The man he claims to have necklaced is now serving 11 years for murder and robbery," he said

"The only motivation for Malaza's crime was avarice I am shocked, appalled and disgusted by his release"

An official at Pretoria Central Prison, who declined to give his name, confirmed that the Malaza who was released was convicted in Cape Town of "robbery with aggravating circumstances"

Mr Malaza and Mr Mhlambi were co-accused Dube Gang members and were sentenced to 16 years and 11 years respectively on September 11, 1989

Gang leader Jabu Dube was gunned down by a police reservist outside the First National Bank in Mowbray during the 1987 robbery

The State said at Malaza and Mhlambi's trial that they

- Attempted to murder two police constables,

- Robbed the Mowbray bank of R57 000 by holding up staff with a shotgun and a pistol,

- Possessed two unlicensed revolvers and a shotgun,

- Stole a car in Matland,

- Robbed a Nyanga East special constable of his shotgun,

- Attempted to murder another police constable in Camps Bay,

- Attempted to steal a car in Camps Bay,

- Robbed three policemen in Camps Bay,

- Stole a bakkie in Cape Town,


- Attempted to murder an Athlone man,

- Robbed First National Bank in Athlone of R51 000

ANC spokesman Mr Carl Niehaus said the movement would investigate reports that Mr Malaza was not a political prisoner

The Department of Correctional Services said it would comment later today

Mr Malaza said after his release on Saturday that the man he allegedly necklaced "was an impimpi and deserved to die. He was killing us through what he was telling the police".



BANK ROBBERS: Top, members of the Dube Gang in action in the R57 997 armed robbery at First National Bank in Mowbray in 1987. Lucky Malaza is on the left, in a white overall and balaclava; Fanyana Mhlambi is climbing over the counter. The middle picture shows the robbers fleeing the bank, but turn back when they see a police van pulling up outside. These photographs formed part of the court record. The bottom picture shows Fanyana Mhlambi, a student at the University of the Western Cape, back into the bank after panicking and pulling off his balaclava

Call to arrest Lucky

(253)
CT 30/9/92

A CALL was made for the re-arrest of notorious bank robber Lucky Malaza last night following his release under the government/ANC deal on political prisoners.

This follows an angry outcry countrywide after a brazen Malaza walked out of Pretoria Central Prison at the weekend, claiming to be a politically-motivated necklace killer.

Malaza was jailed for 16 years in March 1989 for his role in an attempted robbery at a Mowbray bank and his part in the shooting of a young policeman during the foiled bank raid.

He was a member of the notorious Dube gang which was broken by police after a two-year



ANGRY COP
Colonel Leonard Knipe

countrywide crime spree

Last night ANC spokesman Mr Carl Niehaus said that if Malaza was found to have been released by mistake, the courts would have to consider imprisoning him again.

He said the ANC would investigate the Malaza case along with government "as a matter of urgency".

The DP called for Malaza to be re-arrested. The party said greater control was needed over prisoners about to be released.

The Department of Correctional Services said it was reassessing all information concerning Malaza in conjunction with the ANC and the SA Police.

A top UCT legal source last night said there was no procedure for the revoking of a pardon or reprieve.

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Once someone was released on pardon it was the same as if someone were found not guilty in a court of law

From information gleaned by the Cape Times, Malaza's "mistaken" release seems to have occurred after his name appeared as a "security-related prisoner" on a Department of Correctional Services list

After sentencing, a full report by the police on his crimes and motivation for these was forwarded to prisons.

He was sentenced for armed robbery and murder under the common purpose doctrine, as well as illegal possession of firearms

Police noted that Malaza's motivation was "avarice" and "greed".

According to the Human Rights Commission, they and Lawyers for Human Rights met Correctional Department officials five times between April and June last year to discuss political prisoners.

The HRC's Ms Safora Sadek said it was only after the department had listed Malaza as a security-related prisoner that the commission had put him on its list of "unaudited" prisoners

Ms Sadek said the audit process was suspended by the department without explanation and well before it was completed

Lieutenant Bert Slabbert, a spokesman for the Ministry of Correctional Services, said there was no dispute that Malaza's name had appeared on a departmental list of "sentenced security-related prisoners"

Yesterday it also emerged that a total of 212 prisoners — including Malaza — listed in an HRC document of 350 political prisoners were not "audited" to verify their claims to political prisoner status

The HRC list was used by the ANC at a weekend summit with the government where it was agreed that 150 political prisoners would be released

The judge who sentenced Malaza, Mr Justice R M Marais, yesterday said he was "astounded" to hear that Malaza had been released as a political prisoner

An angry Colonel Leonard Knipe, Peninsula Murder and Robbery Squad head, said that what Malaza had said in interviews after his release was "hogwash"

Colonel Knipe was a member of a team tracking the Dube gang on their Peninsula crime spree

In an interview, Malaza claimed he ran with the comrades in Guguletu and had taken part in a necklace killing about 2pm on September 3, 1987, in Guguletu

Malaza claimed that after a cer-

tian Fanyana had been sentenced to death by a people's court for being an informer, he had helped to put a tyre around his neck, poured petrol on him and lit a match

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Fanyana had screamed and taken a long time to die, he said For his part in the killing, he was jailed for 16 years, he claimed

Colonel Knipe said "He (Malaza) was convicted on the basis of the common purpose doctrine for the cold-blooded murder of a policeman by shooting him in the face with a shotgun after he and men had robbed First National Bank, Mowbray, at 2pm on September 3, 1987

"He was sentenced to a lengthy term of imprisonment of which he was to remain in prison for an effective 16 years

"The so-called necklace victim Fanyana, his co-accused, was sentenced to 11 years" — Political Staff, Own Correspondents

THE BLAME

FRG 30/9/92

(253)

Mystery as excuses fly

Reports by ROGER FRIEDMAN

EVENTS leading to Lucky Marais's comments on passing Malaza's release remain a mystery today. The ANC and the Department of Correctional Services are investigating, but neither has accepted blame — and neither have the Department of Justice or the police.

A full page advertisement taken by the ANC in a weekly newspaper a month ago included Malaza's name as "one of the reasons why talks have stalled". In a statement last night, the ANC said it had "taken note of the case of Lucky Malaza, who was released in terms of the agreement with the government on prisoners sentenced for opposition to apartheid". This agreement was reached in good faith, the ANC said. Together with the government the ANC has undertaken to investigate Mr Malaza's case "as a matter of urgency". "The criminalising of politically motivated acts has complicated the process of the identification of political prisoners."

"I, after thorough investigation, it is found that a mistake has been made, Malaza's case should accordingly be reviewed," the statement concluded. The ANC has handed the matter of Mr Malaza's amnesty over to its lawyers who negotiated the releases. A Department of Correctional Services spokesman said the department had "taken cognisance" of the dispute surrounding the release.

"It can be confirmed that the department, in conjunction with the police, the Department of Justice and the ANC is presently reassessing all additional information and arguments."

But it would appear that Malaza was released unconditionally, meaning he could not be taken into custody. Department of Justice spokesman Mr Werner Krull said the Malaza amnesty did come under his department.

Asked to comment on Judge Marais's comments on passing sentence, Mr Krull declined.

Police spokesman in Pretoria Captain Craig Kotze said SAP involvement in Malaza's case ended when he was convicted. "From then on he became the responsibility of the Department of Justice, and then Correctional Services. The classification of prisoners as political or otherwise has nothing to do with the police," he said.

For every prisoner sentenced to more than two years' jail, the investigating unit is obliged to issue an "SAP 62" document to the prisons authorities. The document briefly details the charges on which the prisoner was convicted, the sentence, accomplices, personal details and general comments.

The SAP 62 is intended to provide pertinent facts for the Parole Board when considering parole for prisoners convicted of serious offences. Lieutenant Burt Slabbert of Correctional Services said "to his knowledge" the SAP 62 had been considered in all cases involving amnesty for political prisoners.

How Malaza's criminal record was overlooked remains a mystery. Speculation is that Malaza may have cottoned on to the idea of political amnesty from a cellmate, and through prison contacts concocted a story as close as possible to his own. He stuck to the date and time of the crime, and the sentence he was given, claiming to have necklaced an "impumpi" in Guguletu when in fact he was robbing a Mowbray bank and murdering a policeman.

Nobody was necklaced in Guguletu on September 3, 1987. The "Fanyana" he refers to as the victim can only be his accomplice and fellow Dube Gang member Fanyana Mhambi, who was sentenced by Mr Justice Marais to 11 years.



FLASHBACK ...to Saturday and Lucky Malaza's moment of freedom in Pretoria

THE GANG

Shoot-out ended reign of terror

THE activities of South Africa's most wanted gang came to an abrupt halt after a wild shoot-out following a botched bank robbery in Mowbray on September 3, 1987.

Gang leader Jabu Dube lay dead, shot with the gun of a policeman who himself died in the fracas. Dube's accomplices, Lucky Malaza and Fanyana Mhambi, were arrested.

In their ensuing Supreme Court trial they were sentenced to 16 years and 11 years imprisonment respectively for their parts in the Mowbray robbery and killing. Behind them lay a trail of theft, robbery and shootings.

The Dube Gang's reign of terror began in May, 1986, when Dube escaped from prison in Pretoria with Malaza and two others. They were wanted in connection with:

- A May, 1986 bank robbery in Pinetlands during which R8 100 was stolen.
- The theft of a car in Bellville in November — it was later used in a bank robbery in Rylands in March in which a security guard was shot and R51 000 stolen.
- The theft of a car in Cape Town which was used in June in an incident which led to the shooting of a policeman.
- A robbery in Observatory in June in which an accountant was shot at and R24 000 stolen.
- A robbery in Epping Industries in which R7 500 was stolen.

● A hold-up of a bank in Mount Clare in May, 1986, when R15 600 was stolen, and

● The shooting of a Transkei bottle store owner in July, 1987.

In January, 1987, Dube was arrested in Table View for the unlawful possession of a firearm. Although police were hunting him, they were unaware they had him in their possession. He was granted bail and disappeared to resume his life of crime which ended in Mowbray.

All lies, it turns out. "He probably manipulated the ANC through his lies to accept he was being held as a political prisoner," the psychiatrist said.



FLASHBACK. Then Sergeant Shane Keohane inspects the police car which was stolen and crashed after his colleague had been shot by Jabu Dube.

THE POLICE

ARF 30/9/92

(253)

Policeman shocked at robber's release

ROGER FRIEDMAN Staff Reporter

A POLICEMAN who saw his partner shot in a shoot-out with the Dube Gang has reacted with outrage to the release of Lucky Malaza whom he considers a threat to society. "I am extremely disappointed in the system which could have allowed such a hardened criminal to be released in this way."

"He is the last person I expected to see released in terms of a political amnesty." On June 16 1987 Captain (then sergeant) Shane Keohane was on patrol with two partners near Third Beach, Clifton. They spotted a car in suspicious circumstances, went to investigate, but everything appeared to be in order.

As they were leaving the scene they saw a man walking towards a bakke and Constable Rod Beer went over to question him. At that moment his colleague noticed the interior light of a luxury car snap on and off. They went over to the car and discovered a man lying on the front seat — he told them he was waiting for his employer. That man was Lucky Malaza.

Constable Gordon Etheridge was on his way to verify Malaza's story when a shot rang out. Constable Beer had been shot in the neck by Jabu Dube, leader of the notorious Dube Gang. Dube was standing over Constable Beer with a gun in each hand. Captain Keohane said he was shocked that Malaza, a man who showed no remorse or feeling for life could be released in this way. "He was involved in the most daring and arrogant attacks, clearly he is no idiot. "I'm lost for words, in my opinion we need a speedy explanation for Malaza's release."

Hunger strike at Pollsmoor

FRG 30/9/92

(253)

A HUNGER strike at Pollsmoor prison in protest against the release of murderers, including Wit Wolf Barend Strijdom, is gaining ground. Prisoners at Pollsmoor are believed to be up in arms about the release of murderers, including Mr. Riedewaan Barden, 25, and Mr. Abduragman Whittle, 24, both of whom have been convicted of serious crimes such as murder while some of them are serving time for lesser offences.

The strike became public when two accused in a theft trial testified that they were hungry because of the protest against the release of Strijdom. The men, Mr. Riedewaan Barden, 25, and Mr. Abduragman Whittle, 24, both of whom have been convicted of serious crimes such as murder while some of them are serving time for lesser offences.

THE JUDGE

FRG 30/9/92

(253)

'Public must be protected'

THE judge who sentenced Lucky Malaza to 16 years' imprisonment for murder and robbery is astounded that he has been released under the amnesty for political prisoners.

"There was no suggestion whatsoever at his trial that his participation in the offences was politically motivated in any way," Mr Justice Robin Marais said.

In sentencing Malaza, Mr Justice Marais told him, "You are plainly a person who preys on the community without compunction and the public should be protected from you."

"A long term of imprisonment is clearly appropriate."

THE KILLER

Dangerous psychopath who could kill again

A PSYCHIATRIST has warned that, judging from all reports, Lucky Malaza is a danger to the public and will probably kill or rob again.

"He sounds like a person who suffered a severe anti social personality disorder — a psychopath to use the old terminology," the psychiatrist said. "In terms of his behaviour prior to his arrest and sentence as well as his statements after his release he should clearly be considered as potentially dangerous."

Malaza told reporters outside Pretoria Central Prison that he had been imprisoned for his part in a necklaced murder in Guguletu in September, 1987.

PEOPLE'S LIVES Hopes dashed the first time around when prisoners released

A heavy burden lifts for Mncubes

■ **HIGH HOPES** *Their son Mthetheleli is back at home after four years on Death Row:*

Sowetan 30/3/92

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By Sonti Maseko

FOR FOUR YEARS, NIGHT AND day, she carried a heavy burden in her heart, knowing that her son was going to hang

The years have taken their toll on Mrs Winifred Mncube, who at 62, looks far older. The lead-heavy burden has been removed and Mthetheleli Mncube is back home.

In an effort to make me appreciate the joy she feels inside, (it is not at all visible on her face) she says she has not eaten a thing for three days since she heard the news

"Maybe I will start feeling the hunger pangs when Thethe (Mthetheleli) is here," she says

That joy is not the kind that makes you scream, laugh or delirious, Mrs Mncube and her husband George are calm, serene

In fact, there was no buzz or excitement or even many visitors joyously preparing for the great homecoming

Just Mthetheleli's aged uncle, Ntlabathi, who arrived two days earlier, to "witness this great day"

The reason perhaps Mrs Mncube seems to be holding back is because someone who became very special to her, the mother of Mncube's co-accused, Mzondeleli Nondula, will not be there to experience her own son's homecoming

She collapsed and died two years ago, apparently without suffering from any illness

"We think this became too heavy for her, my wife was lucky, at one time I thought she was also leaving us," the father said

"I am very sad that she will not be with us when we rejoice, we travelled together along the very hard road," Mrs Mncube said.

She told of days when with Nondula's mother they would travel to see their sons who were then on death row

"There we would find women wearing blankets, early in the morning and we would be informed that they had spent the night on the benches keeping vigil to bid goodbye to their sons before they were hanged."

She spent years in and out of hospital, her whole body in pain, she says.

Says the father, "You see, I am a man, before my son was found guilty, I had never cried. But for the first time my eyes were always watery, the mere mention of his name, in any conversation, brought tears to my eyes"

And then there was the time the first batch of political prisoners were released. Their high hopes, when they believed their son

would qualify, came crashing down when prison officials told them they would not be released

"They told us our son was a common criminal, a murderer. We did not understand because the men who had sent them to fight were out of prison and already talking to the government," Mrs Mncube said

That big disappointment is now warning her against raising her hopes again. She said she feared if president FW De Klerk changed his mind about releasing

her son, this time she might not be able to handle the bitter disappointment.

The Mncube's, although warm, friendly and remarkably showing no bitterness, have been put through a lot by the sentencing of their son to death

No guessing where they drew their strength from

On the wall of their modest home, they hang homely plaques that read "The Lord is my Shepherd" and "As for me and my House, We Will Serve the Lord". Pictures of grandchildren too, who must have been a great source of comfort.

And for the future? They feel their health will definitely improve

For Mthetheleli, his first meal back at the home he left in 1980 was a home slaughtered chicken, a carefully chosen white one, that should give him a brighter future this time around.

**They told us
our son was a common
criminal, a murderer.
But the men
who had sent them
to fight were out
of prison and
already talking to the
government**

We will not target Popcru - PAC army

STAR 30/9/92
By Brian Sokutu

The Azanian People's Liberation Army (Apla), the armed wing of the Pan-Africanist Congress, has undertaken to exclude members of the Police and Prisons Civil Rights Union (Popcru) as targets for its armed attacks.

The decision, announced at a joint PAC-Popcru press conference in Johannesburg yesterday, was taken at a two-day meeting between the two organisations in Harare at the weekend.

A statement signed by Apla chief political commissar Romero Daniels and Popcru president Gregory Rockman said the guerilla army would maintain its armed attacks "against the structures of the settler-colonial regime".

At the meeting Popcru expressed concern about Apla's campaign of violence against South African policemen, who included Popcru members.

According to the latest SA Institute of Race Relations figures, more than 120 policemen were killed in South Africa in the first seven months of 1992.

Asked how Apla forces operating within the country would be able to identify Popcru members, Popcru general-secretary Peter Nkuna said, "Popcru is to meet local structures of Apla and the PAC to introduce our members".

Apla's new stance was yesterday condemned by the SA Police.

"This is just another form of intimidation. Although policemen have been targets of violence, there are very few acts Apla has been responsible for," said police spokesman General Leon Mellet.

He added "Popcru has no stature as far as the police force is concerned. If a policeman wants to join Popcru, he should choose between his career and being a Popcru member. No one is allowed to join a union in the force".

Dr Jackie Cilliers of the Institute for Defence Politics in Midrand said "Apla has not waged any well-orchestrated armed struggle. This is part of an armed propaganda campaign".

Professor Tom Lodge of the University of the Witwatersrand's Department of Political Studies said the PAC's armed struggle was insignificant in South Africa.

LATEST

Probe into how a gangster walked free

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ARG 30/9/92

ROGER FRIEDMAN
Staff Reporter

TOP-LEVEL government attention is being focused on the release of convicted bank robber and murderer Lucky Malaza.

President De Klerk is aware of, and concerned about, the situation and Correctional Services Minister Mr Adriaan Vlok is personally dealing with the investigation of Malaza's release, a government source has said.

Malaza was released from Pretoria Central Prison on Saturday in terms of the agreement on political prisoners between the ANC and the government.

The source said the government regarded the matter in an extremely serious light and hoped to clarify this as soon as it had all the facts.

But the fact that neither Malaza's investigating officer nor his trial judge were aware of any political agenda in his case did not necessarily preclude this from being a fact, he said.

It was unlikely that anyone would have used support for the ANC as grounds for his de-

fence given the political climate in 1989, the source said.

An urgent investigation is under way by the departments of Correctional Services and Justice, the ANC and other parties into the release of the allegedly hardened criminal.

Correctional Services said the matter would be dealt with appropriately, based on the outcome of the investigation.

The ANC, which included Malaza in its list of political prisoners, said that if it was found a mistake had been made, Malaza's case should be reviewed.

But there are two schools of thought on Malaza's future if it is indeed found he was released by mistake.

One is that his release was unconditional and he is therefore untouchable.

The second feels the situation could be rectified and Malaza could be returned to custody if Mr De Klerk issued a proclamation or an order based on incorrect information. This order could then be rescinded.

But where Malaza is to be found is anyone's guess.

● See Page 3.

Freed 'political prisoner' was bank robber (253) officer

Own Correspondent

CAPE TOWN — A "political prisoner" released in Saturday's amnesty may in fact be one of South Africa's most notorious bank robbers

Lucky Malaza, who was freed from Pretoria Central Prison, told reporters he was sentenced to 16 years for necklacing a man called Fanyana in Guguletu in September 1987

But a senior police officer said he was "shocked, appalled and disgusted" by Mr Malaza's release, describing him as "irrefutably" a common bank robber and murderer, and definitely not a "political" prisoner

Mr Malaza told newsmen that Fanyana "was an impimpi (informer) and deserved to die. He was killing us through what he was telling the police"

Describing himself as a "comrade in Guguletu", Mr Malaza said "One day — it was about two in the afternoon — we grabbed Fanyana and took him before a people's court. By using force we got him to con-

fess that he was an impimpi"

However, a Lucky Malaza and a Fanyana Mhlambi were convicted in the Cape Supreme Court of robbing a Mowbray bank of R57,000 on September 3 1987 and killing a policeman, Constable Martin Cockrell, in the ensuing gun battle

Mr Malaza and Mhlambi were co-accused Dube Gang members and were sentenced to 16 years and 11 years, respectively, on September 11 1989

Gang leader Jabu Dube was shot dead by a police reservist outside the bank

The head of Peninsula Murder and Robbery, Colonel Leonard Knipe, said he had irrefutable evidence that the Mr Malaza who was released was the man who robbed First National Bank on September 3 1987

"The man he claims to have necklaced is now serving 11 years for murder and robbery," he added.

Mr Malaza had never lived in Guguletu and had never had a political agenda.

"The only motivation for his crime was avarice," said Colonel Knipe

"I am shocked, appalled and disgusted"

A prison official at Pretoria Central Prison, who did not want to be identified, said yesterday that the released Lucky Malaza was convicted in Cape Town of "robbery with aggravating circumstances"

ANC spokesman Carl Niehaus said the movement would thoroughly investigate reports that Mr Malaza was a former member of the Dube Gang jailed for robbery, and not a political prisoner

The Department of Correctional Services said it was looking into the matter

The Democratic Party yesterday condemned as "totally unacceptable" Mr Malaza's release as a political prisoner "when it has been alleged that he is a bank robber"

"This travesty of justice must be swiftly attended to and Lucky Malaza must be re-arrested," said a statement



The victim is:

Back in

But the killer is:

On the

loose



Sowetan 30/9/92

(253)

■ **ROUGH JUSTICE** While a victim lies paralysed,

his assailant again walks the streets a free man:

THERE is widespread outrage over the release by the Government of mass murderer Barend Strydom. In an orgy of cold-blooded killings, Strydom shot dead eight blacks.

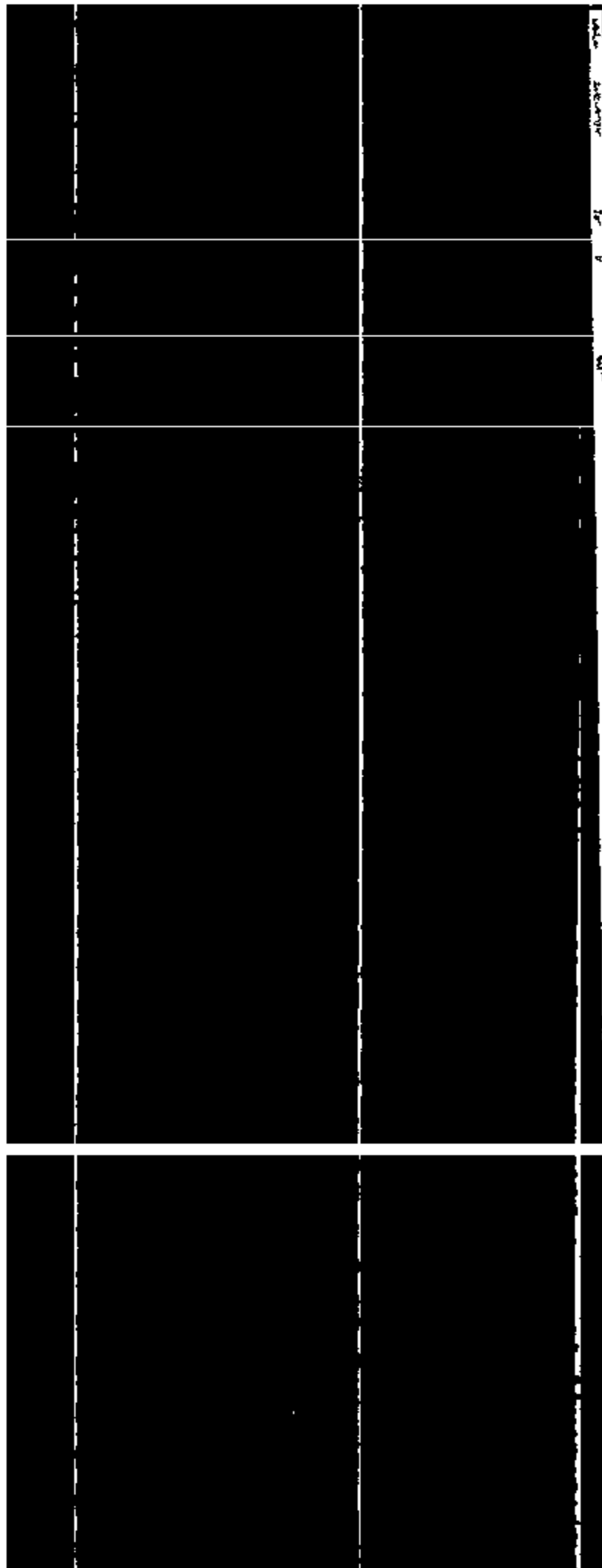
Among those who feel bitter about Strydom's release is Mr Geelbooi Mabena of Hammanskraal. He was walking around the square when he was hit by a bullet which pierced his spine. He is now back in hospital after complications arising from the shooting.

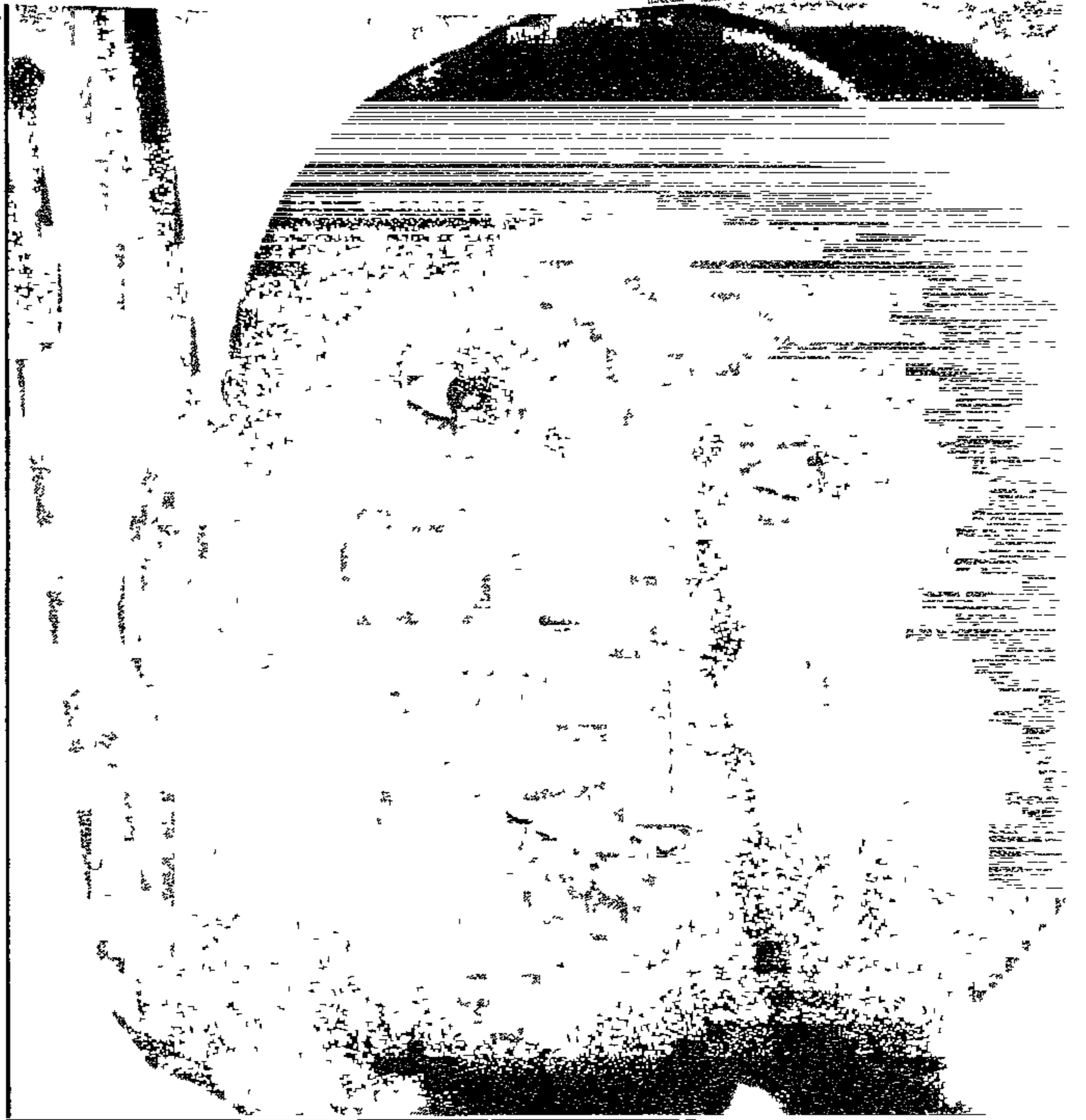
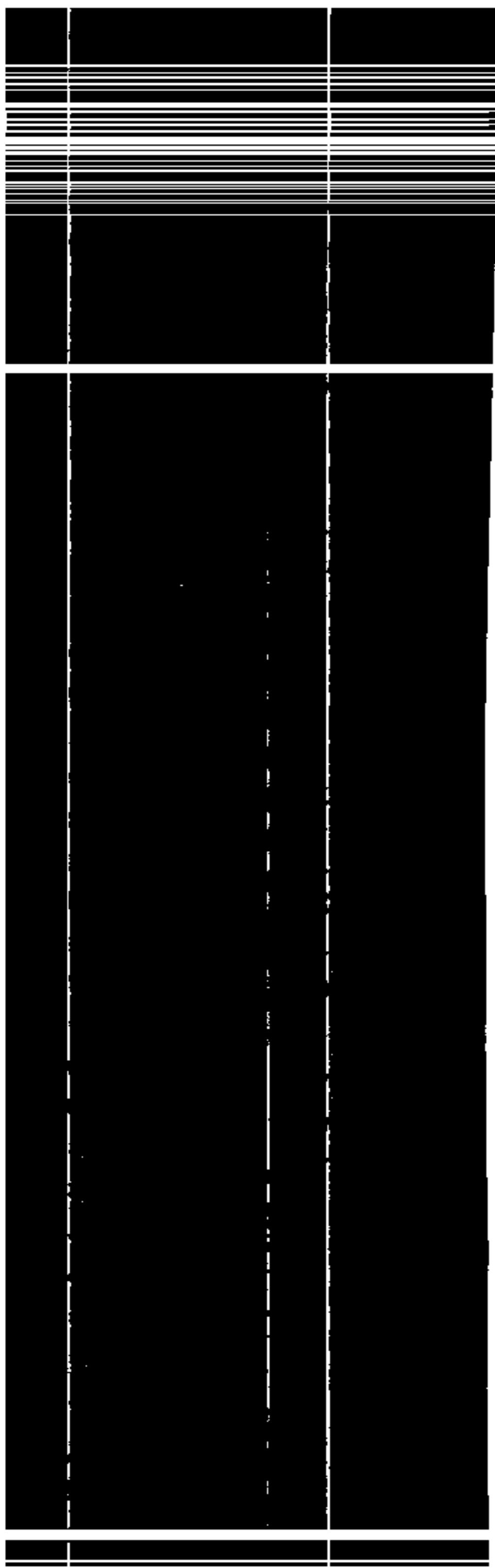


Strydom ... free again.

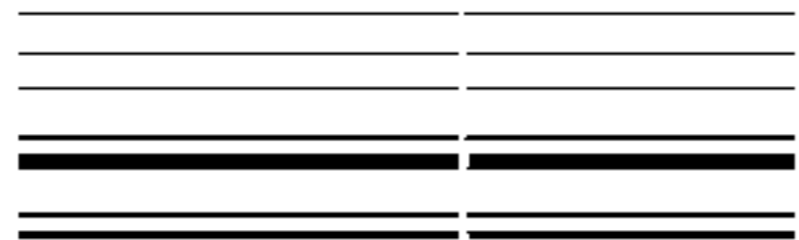
See story page

4





Mr Geelbooi Mabena ... back in hospital.



Moral dilemma when crime pays

STAR 1/10/92

MOST people would agree that there is little justice in a callous murderer not only being released after serving a mere three years of a life sentence, but being paid handsomely for his story

Freed mass murderer Barend Strydom is being paid an undisclosed sum of money — probably more than R100 000 — by the Afrikaans Sunday newspaper Rapport for his exclusive tale

Despite numerous attempts by The Star to reach Rapport editor-in-chief Izak de Vilhiers for comment yesterday, no calls were returned. He told Sapa, however, that murderers had been paid for their stories in the past — and would be paid in the future.

Asked whether he was happy with the practice, he said "It's not a matter of me being happy or unhappy, and I prefer not to discuss the matter further"

Although Mr Strydom is legally entitled to sell his story, media lawyers believe there is a loophole in the Prisons Act which needs to be covered to prevent criminals released on parole, such as Mr Strydom, from being rewarded for their stories.

And although there is no media code of conduct stopping newspapers from striking such a deal in a case like Mr Strydom's, the SA Union of Journalists (SAUJ) plans to set up ethics committees to address this kind of dilemma.

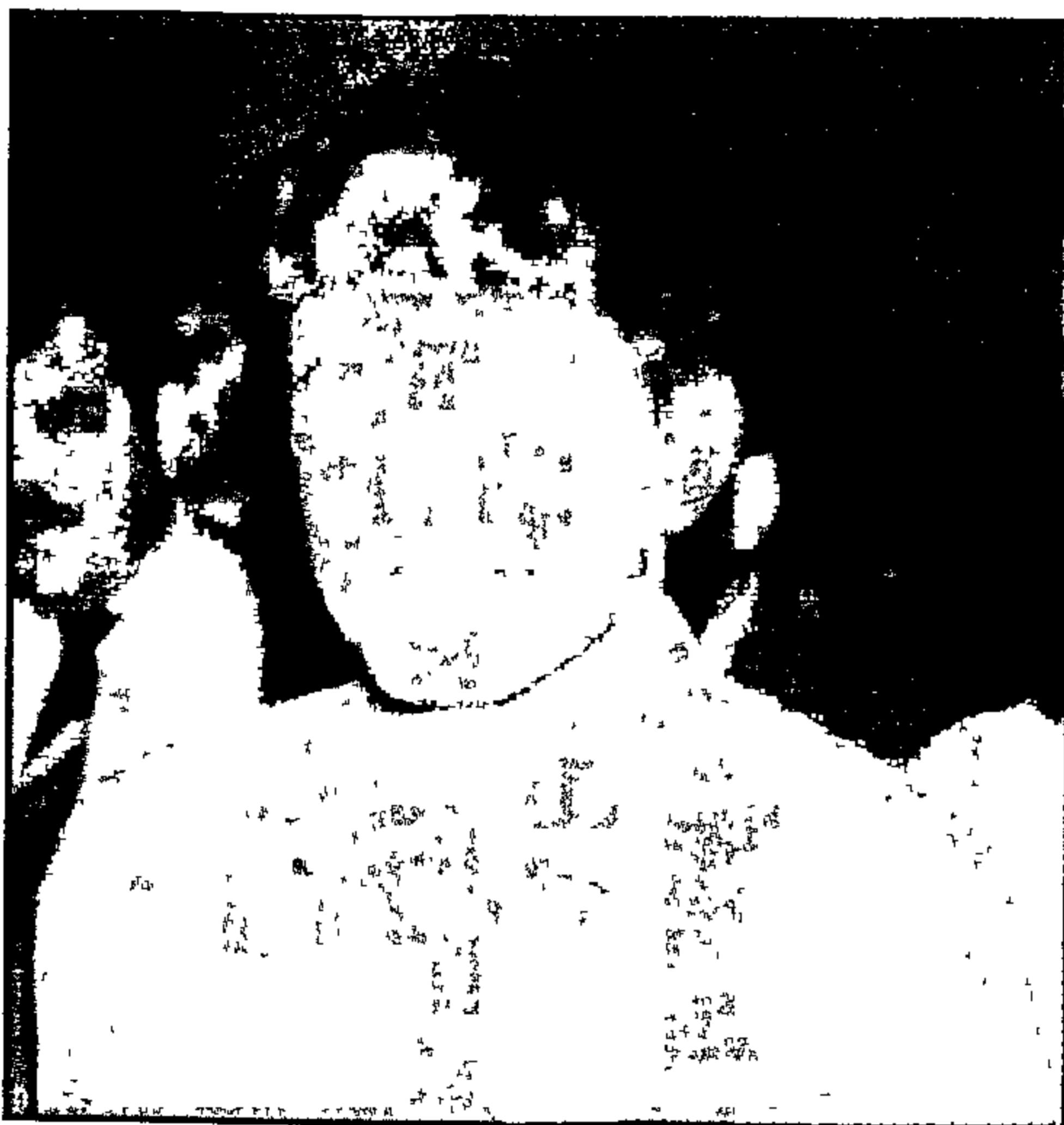
Most lawyers and journalists agree it is immoral when the crimes of killers like Mr Strydom become lucrative assets while their innocent victims often struggle without compensation

For instance, one of Mr Strydom's victims, Geelbooi Mabena, who was crippled from the waist down, is battling on a disability grant of R500 after formerly earning a monthly salary of R700

University of South Africa Professor Koos Roelofse told

Cheque-book journalism has raised its ugly head again with a newspaper's payment to mass murderer Barend Strydom (below) for his gory tale. How does one address such an issue without stripping a free man of his rights and without censoring the media?

HELEN GRANGE reports.



Sapa he felt "cheque-book journalism" should be used only as a last resort to obtain information in the public interest. In Rapport's case, the deal had been struck to boost the newspaper's circulation and revenue. "Rapport will boost Strydom's image and give him celebrity status. This is dangerous because there is a public perception that murderers are not being punished," he said.

Despite this state of affairs, however, justice has on occasion managed to see the light.

Britain's Yorkshire Ripper, Peter Sutcliffe, who killed 13 women and is serving a life sentence, was sued successfully for damages by his youngest victim's mother.

Sutcliffe, who made a small

fortune from publicising his story, was compelled to pay a large chunk of the proceeds of the sale of his house to the woman.

At home, in the case of scissor murderer Marlene Lehnberg, a Republican Press deal involving payment of about R50 000 for the autobiography she had written in her cell was scuppered when the Prisons Act was amended in 1977 to stop prisoners from writing for financial gain.

But as the Prisons Act only prevents remuneration or benefit for a prisoner's crime stories, prisoners who are released, even on parole, escape this constraint.

This meant that when Miss Lehnberg was released after

serving seven years of her 20-year jail sentence for murdering her lover's wife, she immediately sold her story for R120 000.

At the time, London's Observer newspaper spoke out against a "bitterly unjust" situation whereby an "innocent human was brutally murdered and, as the victim, her family gets nothing".

Mr Strydom has also been freed to earn from his crimes in this way, and in addition, does not have to fear being sued for compensation.

South African law stipulates that compensation must be sought within a period of three years of being found guilty of the crime. (Mr Strydom was judged and sentenced in May 1989.)

Rapport also escapes on a technicality. According to the code of conduct of the SA Media Council, "no payment shall be made for feature articles or programmes to persons engaged in crime or other notorious misbehaviour".

This covers only criminals who are known to be continuing criminal activity, and hence journalists' concern over ethics in a case like Mr Strydom's.

SAUJ general secretary Karen Stander said the situation was problematic and that regional ethics committees were in the pipeline.

"We think it would be extremely unfortunate if cheque-book journalism became widespread in South Africa, not only because of the ethics question but because exclusivity of information limits diversity of opinion," she said.

In Britain, several newspapers have been roundly criticised by the former British Press Council for making payments to criminals.

In one instance, a newspaper was condemned for paying for the confessions of a woman whose activities contributed to the downfall of a Cabinet Minister. □

Victim outraged by Strydom's release

■ Father of two paralysed from the waist down by bullet during the shooting spree in the centre of Pretoria:

A MAN who was crippled by a bullet when mass murderer Barend Strydom went on a shooting spree in the centre of Pretoria four years ago is unhappy about his release

Mr Geelbooi Mabena of Stinkwater near Hammanskraal greeted the news of Strydom's release with outrage when *Sowetan* visited him at Kalafong Hospital where he is being treated for complications resulting from his injury

A former Pretoria City Council employee, Mabena was paralysed from the waist down after a bullet penetrated his spine on that day in 1988

Eight people were shot dead in the incident

"Words fail me when it comes to having

to define Strydom's character. The man can't be trusted and I therefore find it strange that the Government saw fit to classify him as a political prisoner

"He is a cold-blooded murderer who smiled his way through the streets of Pretoria, killing black people indiscriminately," said Mabena.

"With a man who has sworn that, given a chance, he would kill black people again on being freed, my monthly visits to Pretoria to collect the disability grant my family depends on for a living will not be as easy as they used to be"

● *Sowetan* apologises to readers for the non-placent of the above story in our later editions yesterday

253

Blazing chemicals poison 19 firemen

NINETEEN firemen of the Midrand and Sandton fire departments were admitted to hospital with chemical poisoning last week after fighting a fire that destroyed the Rhone-Poulenc chemical factory in Midrand.

Boksburg fire chief Nick Swanepoel confirmed yesterday the firemen were being monitored after symptoms of vomiting and headaches re-occurred after an average three-day hospital treatment for organo-phosphate poisoning. New blood tests were being done.

The firemen had been poisoned despite wearing full protective clothing, he said.

Swanepoel investigated the factory premises yesterday with the Johannesburg and Roodepoort fire chiefs, brothers Ronnie and Allan Cloete. They were instructed to do so in terms of the Fire Services Act by TPA community development deputy director-general Len Dekker. A report will be issued next week.

Swanepoel claimed Rhone-Poulenc supplied insufficient information to the fire departments about the presence of dangerous chemicals and their likely effect on the environment when fire fighters arrived at the scene.

Two officials from the Department of National Health and Population Development were appointed to probe the incident, and attended yesterday's investigation.

Other government departments, including Water Affairs and Environment, had visited the site "and the situation there now seems to be under control", Swanepoel added.

Rhone-Poulenc MD Simon Grimbeek yesterday denied allegations he had withheld information on the chemicals present in the factory, saying he had personally supplied a list of products to the Midrand deputy fire chief at a meeting on Tuesday.

He said Midrand residents would be invited to inspect the site, from where all chemical debris had been cleared by yesterday afternoon — Sapa.

ANC blamed for release of Malaza

CORRECTIONAL Services yesterday accused the ANC of putting gangster Lucky Malaza's name on a list of political prisoners whose release was agreed at the weekend summit.

Malaza, who was jailed after killing a policeman in a bank robbery, was released at the weekend after posing as a necktie killer.

A Correctional Services spokesman said the ANC had originally submitted a list of 1 292 names, including that of Malaza, for consideration for release as political prisoners.

The spokesman was unable to say what checks had been made of the ANC list after meetings between the Human Rights Commission and the department, to "audit" claims to political prisoner status, were broken off last year. An announcement by senior government officials on the release of political prisoners is expected today.

Correctional Services spent yesterday in discussions with legal advisers on how to resolve the crisis, which has soured the goodwill generated by the weekend summit.

ANC spokesman Gill Marcus said a final list of about 500 names was drawn up jointly by the HRC, ANC regions and the prisons service.

It has been established that 21 of the 148 prisoners released at the weekend were placed on the list by the ANC and Correctional Services, while the remaining 127 were supplied by the HRC.

Marcus said she did not have time to comment on allegations made by Correctional Services that Malaza had been placed on the list by the ANC.

Sapa reports that a Correctional Services spokesman said Malaza could not be summarily re-arrested as he had been released unconditionally.

RAY HARTLEY

Meanwhile, ANC spokesman Carl Niehaus yesterday retracted a statement he made earlier in a Radio 702 interview that the SA Police had manipulated a "Mr Lagordier" into targeting Magoo's Bar for the 1986 bombing for which recently released Robert McBride was jailed.

A brief ANC statement said Niehaus regretted "the incorrect statement made regarding Mr Lagordier, colleague of Robert McBride, and apologies for any inconvenience, embarrassment or misunderstanding caused".

Police spokesman Maj-Gen Leon Mallett earlier rejected Niehaus's suggestion that security police were linked to the bombing, describing it as "a calculated effort to vilify the SA police".

"I question Mr Niehaus's motives in making such slanderous allegations, especially in the light of the contradictory statements made by himself regarding the existence of arms caches in Angola," he said.

Meanwhile, a row has erupted between Unisa journalism professor Koos Roelofse and Rapport editor Kobus van Rooyen over the newspaper's decision to pay released "Wit Wolf" Barend Strydom for an exclusive story.

"Rapport will boost Strydom's image and give him a celebrity status. Extremists may become unhinged when they think they will be rewarded rather than punished for their actions," Roelofse said.

But Van Rooyen defended his newspaper's decision. He said murderers had been paid for their stories in the past and would be paid for them in the future.

Urgent probe into cop killer's release

(253) CAPE TIMES 1/10/92

THE findings of the urgent inquiry into the release of convicted bank robber and cop killer Mr Lucky Malaza could be disclosed today

The Minister of Correctional Services, Mr Adriaan Vlok, is to address a press conference in Pretoria today to discuss Malaza's release last weekend

Mr Vlok's spokesman, Lieutenant Bert Slabbert, said the matter was being investigated as "a matter of urgency"

Meanwhile the Correctional Services yesterday accused the ANC of putting Malaza's name on the list of political prisoners whose release was agreed on at a weekend summit

According to the list Malaza was as a necklace killer

A Correctional Services spokesman said the ANC had originally submitted a list of 1 292 names, including that of Malaza, for consideration for release as political prisoners

The investigation into Malaza's release was ordered yesterday after Cape Town

Goniwe probe 'not shelved'

Political Correspondent

THE investigations into the killings of activists Matthew Goniwe and David Webster have not been shelved, Ministry of Law and Order spokesman Captain Craig Kotze said yesterday

He said these investigations were not affected by the police's suspension of probes into crimes committed by security force members and political organisations before October 8, 1990

Captain Kotze said that all cases

which had already resulted in commissions or inquests would have their investigations continued

He said the suspensions were "temporary" and would continue "until the government has reached finality on the matter"

The police were awaiting a policy decision from the government before deciding how to proceed

The ANC has strongly objected to the suspension of investigations on state officials

ANC have agreed to urgently reconsider the matter

However, a department spokesman said Malaza was released unconditionally and could not be summarily re-arrested

An ANC spokesman said if Malaza's release was found to be an error, it should be rectified

Meanwhile a row has erupted between Professor Koos Roelofse of Unisa's journalism department and Rapport editor Mr Kobus van Rooyen over the newspaper's decision to pay

released "Wit Wolf" Barend Strydom for an exclusive story

"Rapport will boost Strydom's image and give him celebrity status. Extremists may become unhinged when they think they will be rewarded rather than punished for their actions," Professor Roelofse said

Mr Van Rooyen defended his newspaper's decision, saying murderers had been paid for stories in the past and would be paid in the future — Political Staff, Own Correspondent

police stated that Malaza had been convicted of murder and armed robbery and was not jailed for a politically-motivated crime

Malaza, who killed a policeman during a bank robbery in Mowbray, was a member of the notorious Dube Gang which robbed three banks in 1987

Yesterday the Department of Correctional Services was in consultation with its legal advisers on the issue

Malaza's release has drawn widespread criticism, and the department and the

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Regulation Gazette
Regulasiekoerant
No. 4955

Vol. 328

PRETORIA, 1 OCTOBER 1992
OKTOBER 1992

No. 14313

PROCLAMATION

by the
State President
of the Republic of South Africa

No. R. 115, 1992

253

CORRECTIONAL SERVICES AND SUPERVISION
MATTERS AMENDMENT ACT, 1991 (ACT No 122
OF 1991)

Under section 50 of the Correctional Services and
Supervision Matters Amendment Act, 1991 (Act No
122 of 1991), I hereby fix **1 October 1992** as the date
on which—

- (a) (i) sections 38, 41 (b), 45 and 47 of the said
Act (hereinafter referred to as the Amend-
ment Act),
- (ii) section 41 (a) of the Amendment Act, in so
far as it adds paragraph (h) to section 276
(1) of the Criminal Procedure Act, 1977 (Act
No 51 of 1977), and
- (iii) section 42 of the Amendment Act, in so far
as it inserts section 276A (1) in the Criminal
Procedure Act, 1977,

shall come into operation in respect of the areas
of the Magisterial Districts of Alberton, Barberton,
Belfast, Benoni, Bergville, Bethal, Bethlehem,
Bloemhof, Boksburg, Brakpan, Carolina, Coligny,
Cradock, Delmas, Dundee, Eshowe, Estcourt,
Frankfort, Germiston, Glencoe, Gordonia, Graaff-
Reinet, Harrismith, Heidelberg (T), Heilbron,
Highveld Ridge, Hofmeyr, Hoopstad, Jansenville,
Johannesburg, Kempton Park, Klip River, Koster,
Kranskop, Kriel, Krugersdorp, Letaba, Lichten-
burg, Lions River, Lower Tugela, Lower Umfolozi,
Marico, Mooi River, Mtonjaneni, Mtunzini, New
Hanover, Nigel, Pearston, Pietersburg, Rand-
burg, Roodepoort, Rustenburg, Sasolburg, Senekal,
Somerset East, Springs, Steytleville, Swart-
ruggens, Umvoti, Ventersburg and Wolmarans-
stad, and

60701—A

PROKLAMASIE

van die
Staatspresident
van die Republiek van Suid-Afrika

No. R. 115, 1992

WYSIGINGSWET OP AANGELEENTHEDE RAKEN-
DE KORREKTIEWE DIENSTE EN TOESIG, 1991
(WET No 122 VAN 1991)

Kragtens artikel 50 van die Wysigingswet op Aange-
leenthede rakende Korrektiewe Dienste en Toesig,
1991 (Wet No. 122 van 1991), bepaal ek hierby **1 Ok-
tober 1992** as die datum waarop—

- (a) (i) artikels 38, 41 (b), 45 en 47 van genoemde
Wet (hieronder die Wysigingswet
genoem),
- (ii) artikel 41 (a) van die Wysigingswet, in so-
verre dit paragraaf (h) by artikel 276 (1) van
die Strafproseswet, 1977 (Wet No 51 van
1977), voeg, en
- (iii) artikel 42 van die Wysigingswet, in soverre
dit artikel 276A (1) in die Strafproseswet,
1977, invoeg,

in werking tree ten opsigte van die gebiede van
die landdrostdistrikte Alberton, Barberton, Belfast,
Benoni, Bergville, Bethal, Bethlehem, Bloemhof,
Boksburg, Brakpan, Carolina, Coligny, Cradock,
Delmas, Dundee, Eshowe, Estcourt, Frankfort,
Germiston, Glencoe, Gordonia, Graaff-Reinet,
Harrismith, Heidelberg (T), Heilbron, Hoefeldrif,
Hofmeyr, Hoopstad, Jansenville, Johannesburg,
Kempton Park, Kliprivier, Koster, Kranskop, Kriel,
Krugersdorp, Letaba, Lichtenburg, Lionsrivier,
Lower Tugela, Lower Umfolozi, Marico, Moor-
rivier, Mtonjaneni, Mtunzini, New Hanover, Nigel,
Pearston, Pietersburg, Randburg, Roodepoort,
Rustenburg, Sasolburg, Senekal, Somerset-Oos,
Springs, Steytleville, Swartruggens, Umvoti,
Ventersburg en Wolmaransstad, en

14313—1

Anger over release of 'hardened criminal'

Star 11/10/92
Own Correspondent (253)

CAPE TOWN — A policeman whose partner was wounded in a shootout with the Dube Gang has reacted with outrage to the release of Lucky Malaza, whom he considers a definite threat to society.

Captain Shane Keohane said: "I am extremely disappointed in the system which could have allowed such a hardened criminal to be released in this way."

And a Government source said yesterday the matter was receiving high-level Government attention.

The source said President de Klerk was aware of and concerned about the situation and Correctional Services Minister Adriaan Vlok was personally dealing with the investigation into Malaza's release.

On June 16 1987 Captain Keohane (then a sergeant) was on patrol with two partners, Constable Rod Beer and Constable Gordon Etheridge, near Third Beach, Clifton.

They spotted a car in suspicious circumstances and went to investigate, but everything appeared to be in order.

As they were leaving the scene they saw a man walking towards a bakkie. Constable Beer went over to question him.

His colleagues then noticed the interior light of a luxury car switch on and off. They went to the car and found Malaza lying on the front seat. He told them he was waiting for his employer.

Constable Etheridge was on his way to verify Malaza's story when a shot rang out.

Constable Beer had been shot in the neck by Jabu Dube, leader of the notorious Dube Gang, who was standing over Constable Beer with a gun in either hand.

Meanwhile, Mr Justice R M Marais, who sentenced Malaza to 16 years in jail for murdering Constable Michael Cockrell during a shootout after the Dube Gang robbed a Mowbray, Cape Town, bank of R57 000 in 1987, said he was astounded that the man had been released under the amnesty.

ANC spokesman Carl Niehaus said Malaza's release would have to be reconsidered if the allegations were correct.

LAWYERS CHECK LIST

253

1/10/92

Political Correspondent MICHAEL MORRIS

STATE lawyers are scrutinising the list of nearly 150 political prisoners released since Friday as controversy mounts over the Lucky Malaza affair and the government faces demands to place releases under independent control

Embattled Minister of Correctional Services Mr Adriaan Vlok was due to address a press conference today on the highly embarrassing Malaza affair

The government's dilemma has been compounded by the fact that even if Malaza is found to have been released in error, it is almost certain police will have no grounds automatically to re-arrest him

The Democratic Party has called for a neutral body to audit prisoner releases.

Police, and the public, have expressed outrage at gangster Malaza's release from Pretoria Central on Saturday in terms of the agreement on political prisoners between the ANC and the government

Shortly after walking to freedom, Malaza claimed he had been jailed for necklacing a police informer on September 3 1987 — the very day that he was arrested in Mowbray for his part in an attempted bank robbery and the fatal shooting of a policeman

In fact, government sources are not ruling out the possibility that Malaza's release falls legitimately within the political prisoner category.

One source said "You must remember that it has

not yet been finally determined whether or not he was an ANC member or whether he committed acts for political reasons"

Details of Malaza's case were expected to be given today

State lawyers were understood to be assisting in an investigation of the case, headed by Mr Vlok, yesterday.

It has also emerged that the lawyers are scrutinising details of the other 148 prisoners released since Friday to make sure they all comply with the terms of the ANC/government agreement

A department spokesman said "So far, we have not come across any other irregularities"

This review was expected to take some days

The ANC has undertaken to review Malaza's case if he is found to have been released in error.

Democratic Party spokesman on correctional services, Mr Mahmoud Rajab, said the "alleged mistake in the release of a common criminal under the guise of a political prisoner exposes the need for greater control to be exercised over all prisoners still to be released under the political amnesty"

Case histories of all political prisoners must be made public

He added "This has also exposed the need for a neutral and acceptable body to supervise the auditing process of prisoners to be released in future"

ENVIRONMENT

Malaza talks soon

Sowetan 2/10/92

■ **ANC, Govt to discuss
how Malaza got on
political list:**

253

By Isaac Moledi

THE Government and ANC will meet early next week to evaluate the early release of bank robber and murderer Lucky Malaza.

Malaza, who was jailed in 1987 after killing a policeman in a bank robbery, was freed from Pretoria Central Prison this week after posing as a necklace killer.

His release as a "political prisoner" sparked anger among those who consider him a bank robber and murderer.

The Department of Correctional Services yesterday denied that it had issued a statement to the effect that the ANC had included him in its list of political prisoners.

Star 2/10/92 (253)

Strydom promised not to repeat crimes - Vlok

By Peter Fabricius
Political Correspondent

Right-wing mass murderer Barend "Wit Wolf" Strydom had promised prison authorities before his release this week that he would not repeat his crimes and in fact would do everything possible to convince other right-wing extremists that the only future was through negotiations.

Correctional Services Minister Adriaan Vlok said this yesterday at a Pretoria press conference, when asked how he could be sure Mr Strydom would not kill blacks again

Mr Vlok said his department had had a long interview with Mr Strydom and his family, before he was released, at which he gave the assurances

"We hope and trust that he

will never do it again," Mr Vlok said.

Mr Strydom fitted the new guidelines for identifying political prisoners because he had committed his crime with a political motive, and releasing him would contribute to political reconciliation, the Minister said

If any right-wing organisations wished to negotiate with the Government for the release of their prisoners,

they were welcome to do so, he said in reply to questions.

Mr Vlok appealed to the media and others not to delve into the record of the crimes committed by those who had been released

"It does not help to say the judge said this person had committed an atrocious crime We know that But we have started a process of reconciliation now"

Vlok urged to quit

Minister refuses to take blame for Lucky Malaza release

ROGER FRIEDMAN
Staff Reporter

253

ARG 2/10/92

CONTROVERSY surrounding the release of convicted bank robber and murderer Lucky Malaza is continuing today amid calls for the immediate resignation of Correctional Services Minister Mr Adriaan Vlok

Meanwhile ANC legal expert Mr Matthew Phosa disclosed that Correctional Services had also submitted the name of a convicted double rapist, one Saku, as a candidate for the amnesty on political prisoners

The ANC had swiftly seen to the removal of Saku's name from the list, Mr Phosa said

When he appeared at a news conference in Pretoria yesterday Mr Vlok refused to accept responsibility for Malaza's release.

Instead he attacked the media, saying "wild allegations and unsubstantiated claims" were impeding the investigation into the affair

He claimed the ANC, the Department of Justice and the Human Rights Commission had to share responsibility for Malaza's release as they were involved in the identification of politically motivated criminals

Conservative Party spokesman and member of the Justice Study Group Mr Cas Uys said Mr Vlok should be dubbed "Mr Lucky Vlok" because Mr De Klerk had not yet fired him

The whole issue smacked of incompetence and insensitivity, Mr Uys said

"We believe he should resign forthwith because he is the responsible minister."

Democratic Party correctional services spokesman Mr Mahmoud Rajab said Mr Vlok had to "carry the can and bear the full weight of responsibility" for Malaza's release

The Malaza controversy highlighted the need for the neutral auditing of prisoners, he said

"Something needs to be done to protect society," he said.

PAC spokesman Mr Barney Desai agreed that Mr Vlok should bear "entire responsibility for the Malaza debacle", and said "The buck must stop at Mr Vlok. He cannot continue to pass it around."

Pollsmoor

assault ⁽²⁵⁾

claims ^{MC 2/10/12}

probed

Staff Reporter and Sapa

THE Department of Correctional Services is investigating allegations of assault on prisoners at Pollsmoor prison after a hunger strike.

The Police and Prisons Civil Rights Union (Popcru) said yesterday that prisoners in the maximum security section, who threw burning bedding into the corridors during the morning, had been promised a meeting with the Regional Commissioner of Prisons.

All but 20 of the 431 who were on a hunger strike on Wednesday have resumed eating but have threatened to stop on October 6 if their grievances are not addressed.

They are reportedly unhappy over the selection of prisoners for release as political offenders, claiming even "ordinary" offenders are victims of apartheid's economic injustices.

Popcru said that during a search in the maximum security section yesterday warders teargassed prisoners in three cells and assaulted the inmates of another "without reason or motive".

One prisoner, Lewis Snyman, had a badly cut head, and he and others had to have medical treatment, Popcru said.

Later, prisoners set blankets alight and threw them into the corridor. Some prisoners jammed a cell lock.

Popcru said that earlier in the day a Warrant Officer Murray was stabbed in the cheek when he intervened in a fight between members of the "26" gang, who wanted to continue the hunger strike, and "28s" who wanted to eat.

"I understand that the prisoner (who stabbed Murray) was severely assaulted by warders. He was beaten to a pulp," said a Popcru spokesman.

"I think it would be a good thing if Lawyers for Human Rights and the International Red Cross could go there. These assaults cannot go on."

A spokesman for the Department of Correctional Services said today that the allegations were being investigated.

Necklacing claim outside jail was a lie, freed gangster tells ANC lawyer

I was no political prisoner — Malaza

(253) ARG-2/10/92

ROGER FRIEDMAN
Staff Reporter

LUCKY Malaza admitted today that none of his crimes as a member of the Dube Gang were politically motivated.

The murderer and bank robber made the admission at a meeting with African National Congress legal expert Mr Mathew Phosa in Johannesburg.

Mr Phosa asked him only one question "Which of your offences was politically motivated?"

Malaza replied: "None of them was political."

The former gangster, released by mistake from Pretoria Central Prison on Saturday under the amnesty for political prisoners, claimed outside the jail to have been serving a 16-year sentence for necklacing an "inimpimpi".

His disclosure today to the ANC amounts to an admission that this was a lie. In fact, he had been jailed three years ago for a string of crimes including murder and robbery.

In a statement after the meeting Malaza, 34, acknowledged: "all the activities I have been sentenced for were criminal and not politically motivated."

He said "I fully regret what I have done and undertake not to commit such crimes in the future."

"I hope that a new, non-racial, democratic and just South Africa will enable people like myself to live a life that has meaning. I pledge to work in all ways possible to achieve such a society and to give people like myself a chance."

Reacting to the statement, the Department of Correctional Services said the "new evidence was being urgently considered" and that steps against Malaza were being considered.

Today the Human Rights Commission made the original Department of Correctional Services list of political prisoners available to The Argus.

In a column showing political affiliation, Malaza's name is marked "unknown".

This indicates that Correctional Services had no knowledge of any political affiliation, so the presence of his name on the list remains a mystery.

Mr Malaza's sister said today that he learned of his impending release only at 6am on Saturday, when he was called before a prison official and told to sign papers authorising it. He walked free at 10.30am.

Malaza has applied for membership of the ANC branch in White City, Soweto.

● See page 5

POLITICAL PRISONERS

FM 2/10/92

A nasty farce

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The bickering between government and the ANC over "obstacles" has eased after agreement on the early release of scores of "politically motivated" killers

The focus has now moved to the issue of a general amnesty. President F W de Klerk clearly sees an amnesty as just reward for the political risk he took in freeing three of the ANC's most controversial killers. Robert McBride, whose sabotage spree included a bomb that killed three women in Durban in 1986, and Mzondelele Nondula and Mthethalele Mncube, who planted landmines which killed 10 people in 1987 in the Messina district.

The ANC has indicated already that it may not honour general amnesty legislation. De Klerk hopes to push through parliament this month.

ANC leader Nelson Mandela said on Sunday

that it was unacceptable for government to grant blanket amnesty unilaterally to itself and its servants without stating what deeds had been committed. But the release of McBride and the Messina bombers and rightwing killer Barend Strydom means that the principle of amnesty for murderous acts has been accepted. All that remains is to agree on the technicalities of applying it more widely.

There is little doubt that the early release of "political" prisoners undermines important legal concepts, but they apparently need to be sacrificed for the sake of broader political issues.

DP leader Zach de Beer supports De Klerk's decision to release the men "simply because the future of SA is so much more important than the fate of a few individuals." Government has in any case already compromised its commitment to a sound judicial system by releasing thousands of common criminals in the past few years, simply to ease overcrowding in prisons.

Deputy Law & Order Minister Gert Myburg admitted in Durban last week that the early-release policy was one of the causes of the massive crime wave sweeping the country.

DP Justice spokesman Tony Leon says the DP would give qualified support to the concept of a general amnesty. He believes it could lead to full disclosure of the origins of the current cycle of political violence and help to end it. But the DP is concerned that an amnesty may become a smoke screen simply to hide past and present acts of violence, unless it includes procedures for full disclosure — under indemnity from prosecution — to the Goldstone Commission.

Leon says the DP is also opposed to giving amnesty to common criminals. Procedures will have to be worked out to distinguish

between politically motivated crimes and "acts of gratuitous violence."

But setting guidelines for amnesty could be a tricky issue. There are numerous reported cases of common criminals being released under the pretext of having been politically motivated. There are also examples of criminals simply being freed by mistake. It was reported this week that a man released in Pretoria at the weekend was not a politically motivated necklace murderer, but a member of a notorious Cape Town gang of bank robbers jailed in 1989.

Even the man released with him, who was apparently convicted for necklacing an alleged police informer in 1987, admitted to reporters that he wasn't even a member of the ANC at the time of the killing.

Now there is speculation over the possible early release of former police captain Brian Mitchell, sentenced to death for his part in the murder of 11 people at Trust Feed. He, too, could surely claim political motivation. In a broad sense the killings were part of the continuing conflict in KwaZulu between the ANC and Inkatha.

At some stage the question of amnesty will have to be openly debated and agreed to by all major parties. Mandela said on Sunday that the ANC was not planning to stage Nuremberg trials if it won power. In that case, some way must be found to wipe the slate clean. Whatever is done will leave many people unsatisfied, not least of all the maimed victims and relatives of the dead.

If SA is to have any hope of a united future it must deal with the divided past. ■

Strydom pledge to renounce violence

MASS murderer Barend Strydom, who was freed from prison on Monday, had promised never to commit violent crimes again, Correctional Services Minister Adriaan Vlok said yesterday. **BIDAM**

Strydom also promised to work for negotiations by trying to persuade right-wingers that violence could not work.

At a Pretoria news conference yesterday, Vlok said senior officers of his department had interviewed Strydom, his wife and his family prior to his release.

"We trust and hope he will honour his undertaking," Vlok said. **211019 Z.**

He insisted that Strydom qualified for release in terms of the guidelines negotiated with the ANC which created a further

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BILLY PADDOCK

category to release prisoners beyond those agreed in the Pretoria Minute.

Meanwhile, the brother of one of the victims in the Magoo's blast was injured while making an explosive device at his home at Glenashley, north of Durban.

Clive Pattenden, 25, was burnt when chemicals he was mixing exploded on Wednesday night, police said. He suffered severe burns, but was not admitted to hospital at his family's request.

Police are investigating charges under the Explosives Act.

● See Page 2

All political prisoners to go

CT 2/10/92

(253)

Political Staff

ALL prisoners who were politically motivated and whose release would contribute to national reconciliation would be freed, Correctional Services Minister Mr Adriaan Vlok said yesterday.

A committee of Justice, Correctional Services and ANC representatives was identifying prisoners who fulfilled the new requirements and investigating the case of accidentally released gangster Lucky Malaza, he said "Should an error have been made, I will not hesitate to consider remedial steps."

It has been established that 30 of the 148 prisoners released last week, including Malaza, were not audited in meetings of the Human Rights Commission, Lawyers for Human Rights and Correctional Services.

Twenty-one of the 148 freed were not on the HRC's original list, but had been added by the ANC and Correctional Services after the audit meetings broke down.

Yesterday it also emerged that Malaza was not the only "ordinary" criminal named in the ANC's August advertisement of 380 political prisoners who should be freed — it also included three convicted rapists, according to government sources.

The ANC said that none of the three

No more violence, 'Wit Wolf' pledges

MASS murderer Barend Strydom promised before his release this week not to commit another violent crime.

During a long interview with prison authorities before being set free on Monday, the "Wit Wolf" assassin also pledged that he would do whatever he could to persuade fellow right-wingers that the way forward was through negotiation rather than violence.

Correctional Services Minister Mr. Adriaan Vlok told a press conference yesterday that the government "hoped and trusted" Strydom would honour his undertaking.

rapists mentioned in the advert was among those freed

It is not known how the three rapists got on to the ANC's list, but it is known that a number of criminals tried to get political prisoner status to secure their freedom

It was also confirmed yesterday by a spokesman for Correctional Services, Lieutenant Bert Slabbert, that Malaza had been given an "unconditional" indemnity in terms of the Correctional Services Act

This means that unless he breaks the law again or used bad faith in securing his release, he is unlikely to be rearrested. A legal source said that if Malaza had lied to authorities to secure his release he could be rearrested as an escaped criminal

Hunger strike much bigger

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CT 2/10/92
Staff Reporter

THE number of Pollsmoor prisoners on a hunger strike, launched in protest at the release of political prisoners, has almost doubled in a day.

Spokesman for the Department of Correctional Services Warrant-Officer Rudi Potgieter confirmed yesterday that there were 431 Pollsmoor inmates on strike, 204 more than the previous day.

The strike began after the release of prisoners, including Magoo's Bar bomber Robert McBride and right-wing mass murderer Barend "Wit Wolf" Strydom, on Monday.

On Wednesday, 24 sentenced prisoners refused to attend court hearings around the Peninsula in connection with other charges being investigated against them.

Warrant-Officer Potgieter said the hearings had to be postponed and prosecutors would decide what action to take in connection with the prisoners' absence.

McBride, Strydom not in same class

Sowetan 2/11/92

Sowetan & Radio Metro

Talkback



with Tim Modise

By Mokgadi Pela

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IT was unfair to classify mass murderer Barend Strydom and Magoo's Bar bomber Robert McBride in the same category, a caller to the Sowetan/Radio Metro Talkback Show said last night.

"The Government is trying to force this link unnecessarily. McBride was carrying out orders from above. People should understand that there was war in South Africa," he said.

George Matsimbe of Moutse said there would be no peace without reconciliation. "Barend Strydom will have to change his mind and reconcile with fellow human beings. As for Lucky Malaza, his release is the result of Government's failure to consult with the ANC," Matsimbe added.

The boss of Soweto said a situation must be avoided where people would commit crimes only to be freed after a few months in prison.

She said most people would "just kill and expect to be released within a few months. I point a finger at politicians for using people to achieve their own ends," she said.

"We are dealing with a hypocritical regime. The Government aims to discredit the ANC by releasing the likes of Malaza. This gives an impression that the ANC wants criminals to walk scot free and

not answer for their debts to society."

Sibusiso Ngobese, Durban

"Everybody should be released.

In the first place they were not supposed to have been arrested.

We have no Government in this country. We don't recognise its laws. We didn't elect this regime. It was elected by the descendants of Van Riebeck."

Joseph Motalapula, Soweto

"I'm proud of Robert

McBride's actions. Blacks have been oppressed for too long. As for Strydom, he murdered people without political motives,"

Victor Buthelezzi, Uluhlandi

"It was unacceptable for the NP to release Strydom. In doing so you have to consider if the person is not going to repeat the crime. I would advise the Government to suspend further releases until a more representative government had been ushered."

Eliboy Ndlovu, Berea

Concern over jail inspectors

By Helen Grange
Pretoria Bureau

Human rights circles are becoming anxious at the time it is taking for the Government to appoint prison inspectors — especially as 23 people have died in custody over the past two months.

Six weeks after Law and Order Minister Hernus Kriel announced that there would be prison inspectors appointed to visit prisons country-wide and collect complaints from people in custody, little progress has been made.

A number of awaiting trial prisoners in prisons around the country have been found hanging in their cells over the past months.

The Human Rights Commission, which is monitoring cell deaths,



Hernus Kriel . . . 6 jail inspectors still to be appointed.

recorded 11 prison deaths during September and 12 during August. This brought to 97 the total deaths in custody for the year to date.

The decision to appoint prison inspectors came in the wake of revelations by pathologist Dr Jonathan Gluckman at the end of July that

police had killed prisoners in custody. Six retired magistrates have been identified, but another six have yet to be singled out, Law and Order Ministry spokesman Captain Craig Kotze said yesterday.

The 12 appointments and the details of their duties would be announced in due course, he said.

Said Captain Kotze: "We will soon be in a position to address Dr Gluckman on the matters he has raised."

The latest cell death was that of a prisoner awaiting trial in Ladysmith, Shangam Biyela, on September 23.

Two weeks ago, the Pretoria Supreme Court heard evidence of a fatal assault on Michael Nkabinde during the trial of two suspended police constables, Andries Strydom and Andries Greyling.

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Brother of Magoo's victim hurt in blast

Own Correspondent

DURBAN — The brother of a woman killed in the Magoo's Bar bomb blast in 1986 was seriously injured after an explosion at his Glenashley home in Durban North on Wednesday night.

Clive Pattenden (25), of Ypsilanti Avenue, was working with a mixture of chlorine and an oily substance when there was an explosion and a fire.

Mr Pattenden suffered burns to his face, arms and chest.

He was taken to hospital but it is believed that family members insisted that he not be admitted.

Police spokesman Captain Hamilton Ngidi said a neighbour telephoned the police after the explosion.

It is believed that apart from chlorine and the oily substance, Mr Pattenden also had a 2 litre plastic bottle

Captain Ngidi said police had opened a docket and were investigating charges under the Explosives Act.

A person at the Pattenden home denied any knowledge of the incident.

Mr Pattenden's sister, Angeli-que, was one of the victims in the Magoo's Bar blast.

Anger

Last week Mr Pattenden was reported to have voiced anger that Magoo's Bar bomber Robert McBride was to be freed.

Mr Pattenden was reported to have said, "He is still a murderer. He murdered people and there is no excuse."

An attempt was made on Mr McBride's life by prisoners shortly before his release on Monday.

Since his release, the African National Congress has provided Mr McBride and his wife Paula with a 24-hour bodyguard.

Prisoners to be freed in name of peace ⁽²⁵³⁾ Vlok

BLOM 2/10/92

RAY HARTLEY

GOVERNMENT would free all prisoners who had been politically motivated and whose release would contribute to national reconciliation, Correctional Services Minister Adriaan Vlok said yesterday.

"In the interests of reconciliation and peace, the time has come to finally close the book on the conflict and bitterness of the past in our country," he said.

A committee of Justice, Correctional Services and ANC representatives was identifying prisoners who fulfilled the new requirements and investigating the case of accidentally released gangster Lucky Malaza.

"The assurance can be given that should an error have been made, I will not hesitate to consider remedial steps," Vlok said.

He said government "condemned and abhorred" the crimes committed

by some of those targeted for release, but this would not prevent their release if they fulfilled the criteria.

It has been established that 30 of the 148 prisoners released last week, including Malaza, were not audited in meetings of the Human Rights Commission, Lawyers for Human Rights and Correctional Services.

Most of the 30 were jailed for murder and culpable homicide crimes.

Twenty-one of the 148 freed were not on the HRC's original list, but had been added by the ANC and Correctional Services after the audit meetings broke down.

In another development, Sapa reports Correctional Services announced a judge would chair a new body — the National Advisory Board on Correctional Services — which had been formed to involve the community in the handling of prisoners

Meanwhile, the ANC has rejected suggestions that it had put Malaza on the list of prisoners released following last week's summit.

The ANC confirmed an earlier HRC statement that Correctional Services had forwarded Malaza's name during an auditing process to verify the claims of prisoners to political prisoner status.

Malaza, a bank robber and murderer who passed himself off as a necklace killer, had been accepted "in good faith on the basis that the Department of Correctional Services was in possession of all the relevant facts relating to his case," the ANC said in a statement.

Our correspondent reports from Cape Town that the Correctional Services Department confirmed that 431 Pollsmoor inmates were on a hunger strike in protest against the release of political prisoners.

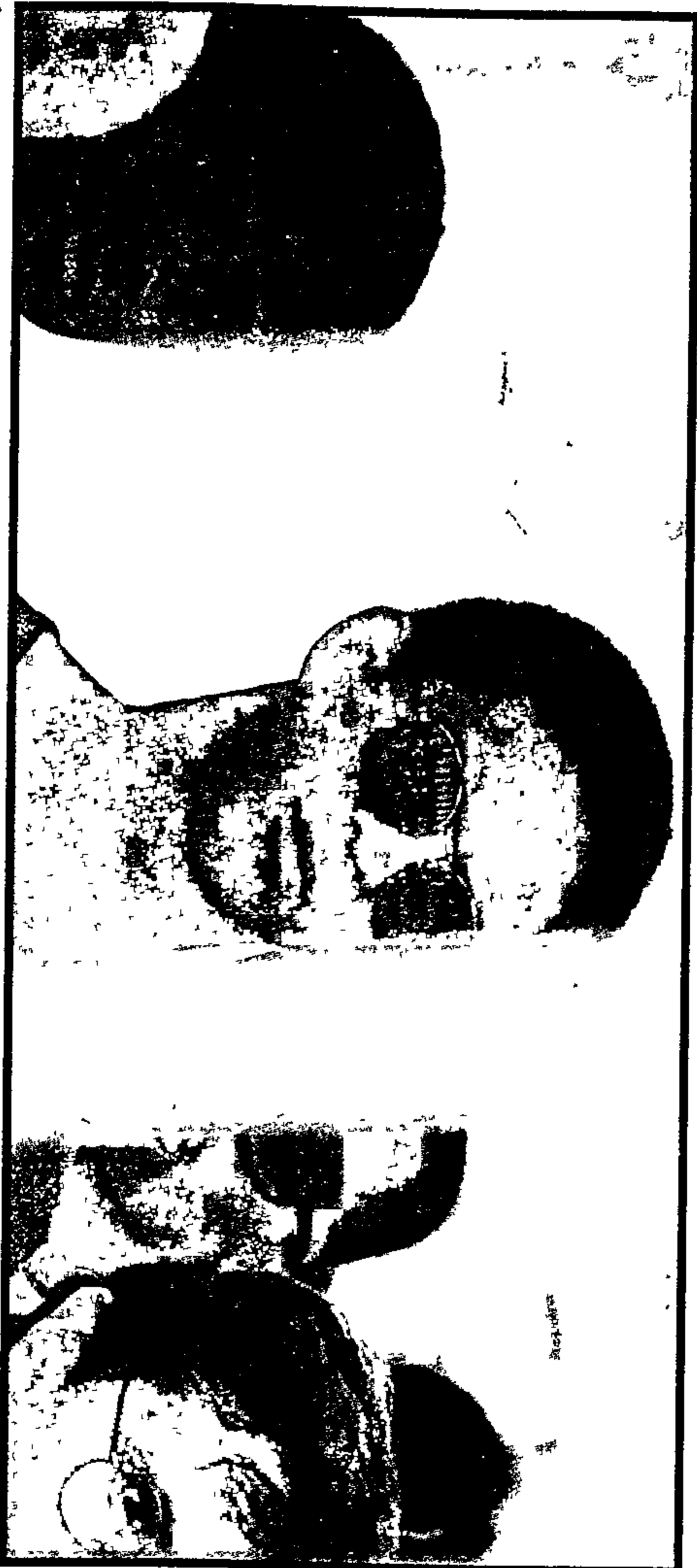
Says the leading criminologist who examined psychotic killer Strydom: "I'm really afraid, because I don't think Strydom is a safe person out of prison."



Programmed to kill

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(253)



Last moments behind bars ... Robert McBride with wife Paula at the prison gates

Photo: KEVIN CARTER

We okayed Magoo's bombing, admit ANC

MAGOO'S Bar bomber Robert McBride told the court at his 1987 trial that he had been "undisciplined" and had acted against the orders of his superiors in choosing a "soft target". But in an interview on his release this week, McBride is adamant that he was "acting under the express orders of my commanders".

Full interview: PAGE 2

ONE of the country's leading criminologists, who examined rightwing mass murderer Barend Strydom at the time of his trial, has warned that he is a psychotic killer, "not safe out of prison".

Dr Irma Labuschagne, a lecturer at the University of South Africa who examined Strydom at the invitation of his defence team, declined to give evidence on his behalf because she believed he was insane and could carry on killing.

"I am really afraid, because I don't think Strydom is a safe person out of prison. I would never trust him," she said this week.

Labuschagne said that she would distinguish between Strydom and Robert McBride, the Magoo's Bar bomber, whom she did not consider to be insane.

Full story: PAGE 2

Barend Strydom is a psychotic killer, says top criminologist

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ONE of the country's leading criminologists, who examined rightwing mass murderer Barend Strydom at the time of his trial, has warned that he is a psychotic killer, "not safe out of prison".

Strydom, who was released unilaterally by President FW de Klerk and the cabinet on Monday, was originally sentenced to death for murdering eight people in central Pretoria and one woman in a "practice run".

Dr Irma Labuschagne, a lecturer at the University of South Africa, examined Strydom at the invitation of his defence team. However, she declined to give evidence in mitigation, because she believed he was insane and could carry on killing.

Minister of Correctional Services Adriaan Vlok told a Pretoria press conference yesterday that the government had only released Strydom after the mass murderer had promised not to do it again. He said "we trust and hope" Strydom would keep his promise.

Vlok said Strydom's release was in terms of guidelines established for the release of political prisoners — carried out "in the general interests of the country" and "in the interests of reconciliation and peace".

But the African National Congress has confirmed that Strydom's release was not even discussed in the negotiations with the government which led to the deal on the release of political prisoners. It is also believed that no rightwing political organisations were involved in negotiations on his release.

It would appear, therefore, that the decision to free him was simply an electioneering gesture by De Klerk.

Although there was no court finding during his 1989 murder trial that he was insane, there was considerable evidence to indicate this. Among other things, he placed money in his parking meter before he went on the shooting spree and smiled inanely at his victims before blowing their brains out. This suggests that he was out of touch with reality while carrying out the murders.

Strydom was sentenced to death on May 25 1989 in the Pretoria Supreme Court. His sentence was later commuted to life imprisonment. Passing sentence, Mr Justice Louis Harms said Strydom showed no remorse about his actions and would do the same thing again if given the chance. Commenting

Was Barend Strydom released

as an electioneering ploy by

the National Party? A

criminologist, who refused to

give evidence in mitigation

during Strydom's trial, says he

is insane and could kill again.

Weekly Mail Reporter

that the murders had been callous and cold-blooded to an extent he had never previously experienced, Judge Harms said there was no possibility of Strydom being rehabilitated.

Labuschagne believes that Strydom is suffering from paranoia "in the psychotic sense" — that he has the appearance of sanity except in respect of the object of his paranoia, black people.

When she saw him, "my impression was that we had a very ill person". She declined to examine him further, because she considered he was a subject for a psychiatrist, not a criminologist.

Labuschagne also said that she would distinguish "most gravely" between Strydom and Robert McBride, the Magoos Bar bomber who was released at the same time as the Pretoria mass murderer, and whom she did not consider to be insane.

Labuschagne explained that a person suffering from paranoia, as distinct from paranoid schizophrenia, was seemingly in touch with reality "but for the one thing they are paranoid over — it could be racial, it could be religious, it could be many other things".

The condition was recognised as insanity under South African law "and I would have thought that would have been the best way for it (Strydom's trial) to go", she said. "But it would have had awful repercussions had they found him not guilty because of his mental state" because many people would have felt justice was not being done.

The indications that a criminally insane man has been set free for narrow party political gain come hard on the heels of the controversial release of Lucky Malaza, jailed for bank robbery and killing a policeman, in terms of the Record of Understanding between the government and the ANC. Malaza secured his freedom by posing as a politically motivated "necklace" killer.



Victim: Geelboy Mabena ... 'I'm angry because Strydom left me paralysed from the waist down'
Photos. SARAH PRALL

Victims slate 'sick trade-off'

By LINDA RULASHE

THE brother of a woman who died in the 1986 bombing of Magoo's Bar in Durban said this week it was "sick to release murderers so that the government and the ANC can start talking".

And a municipal worker paralysed from the waist down in the 1988 Pretoria shooting spree by Barend Strydom expressed anger at news of the release of the man who had ruined his life.

Magoo's Bar bomber Robert McBride is the direct beneficiary of a government agreement to release 150 political prisoners by November 15, aimed at kickstarting negotiations. Strydom's release, to which the African National Congress did not agree, is clearly intended as a sop to the government's constituency.

Clive Pattenden, brother of Angelique Pattenden, who died in Magoo's Bar, said in the wake of "this sick trade-off, the only person I look up to now is Chief Mangosuthu Buthelezi".

"I was at home when the bomb went off, and was supposed to meet Angelique at the bar," he said. "We felt the shock waves in Durban North and my mother started screaming. It

didn't really hit me until later.

"I'm not politically minded, but I just don't understand why they had to do it."

He said his mother was too distraught to attend her daughter's funeral. "Through the years, my mother started drinking. She ran herself into the ground, until she died."

His mother had been determined to ensure that McBride got the death sentence and had written to President FW de Klerk and other influential people, he added. "I'm glad she's not alive now. She was very close to Angelique and her death alone put enough of a strain on her."

He could draw no distinction between McBride and Strydom, believing both should be punished for their deeds: "Both of them knew what they were doing."

A similar lack of forgiveness is evident in Strydom's surviving victims.

Geelboy Mabena (47), paralysed from the waist down by one of Strydom's bullets, first heard of the release on a radio broadcast he heard in the Kalafong Hospital's male orthopaedic ward. Mabena, who was readmitted to the hospital earlier this month after developing complica-

tions, said: "I'm angry because he left me this way."

A municipal worker, he was emptying a rubbish bin in Prinsloo Street on November 15 1988 when he saw Strydom run towards him with a gun in his hand. Shot in the side — the bullet passed through his body, damaging his spine — he no longer works and his family survives off his pension.

Another of Strydom's victims, John Sibiya, was waiting at a bus stop after work when he saw Strydom running down Prinsloo Street on his shooting rampage. "He shot a hawk-er nearby before running towards me. I ran into a shop and he followed me, shooting the Indian shop owner before he shot me."

Sibiya was wounded in both arms when he tried to fend off the bullets by raising his hands to his face. "I'm lost for words to say about his release. What I feel is anger and hurt because he almost killed me."

Sibiya believes Strydom should have gone to the gallows, as he is likely to commit other murders. "He should have been killed — or at least they should have made him suffer for the pain he caused."

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Photos: SARAH PRALL

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By MARK GEVISSER

BY releasing Pretoria mass murderer Barend Strydom along with three African National Congress political prisoners following an ANC/government agreement, the government is claiming the rightwinger as one of its own

This is the view of Paula McBride, Robert McBride's wife and a senior staffer at Lawyers for Human Rights "If Strydom's release was part of an ANC/government deal," she says, "it squarely places him on the government side, and it gives us a glimpse behind the smiling face of FW de Klerk as to

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'Release a
sop to the
rightwing

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who he considers to be his people"

The ANC has said that the release of Strydom was not part of any deal made at the bilateral summit over the weekend "His crime was cold-blooded, premeditated murder founded on racial hatred Black people were 'the enemy'

Rehabilitation was considered impossible by the presiding judge"

A government source counters "We made it clear to the ANC that we had to treat all prisoners on the same basis, and that in this regard, no preferential treatment could be given to people according to political affiliation That's what fairness and balance is about"

McBride protests strenuously against this notion of "balance". He adds that, by releasing Strydom, the government has allowed the far-right to piggyback on to a deal between itself and the ANC when it has not even entered the negotiating forum

NP slammed over release of Strydom

PRISONERS should be set free to get the negotiating process back on track, former National Party MEC Mr Andre van Wyk said yesterday. But he slammed the government for freeing Wit Wolwe killer Barend Strydom. (253)

He wanted to know on behalf of which party interested in negotiations this had been done.

Mr Van Wyk, former MPC for Kimberley South and a long-time NP organiser, said he did not believe in the Wit Wolwe. CT 3/10/92

During the referendum campaign, he said, a poster personifying Strydom was displayed to boost the Yes vote.

The poster of the man with a revolver contained the caption, "You can stop this man, vote yes".

He added, "They did vote Yes. And now he goes free."

Striking prisoners get hearing

THE 782 hunger-striking prisoners at Pollsmoor Prison will discuss their grievances with the Western Cape Regional Commissioner of Prisons, General M G Spanenberg, on Monday, the Department of Correctional Services confirmed yesterday

The prisoners went on strike after the release of political prisoners last Monday

The department confirmed that eight sentenced prisoners and 28 awaiting-trial prisoners had refused to appear in various courts

A Correctional Services spokesman, Colonel Danie Immelman, confirmed there were violent clashes between prisoners and warders on Thursday, but denied a claim by the Police and Prisons Civil Rights Union (Popcru) that the prisoners were assaulted for no good reason

He said, however, that prisoners had laid formal complaints of assault, and that these had been reported to the SA Police

Col Immelman said on Thursday prisoners in Pollsmoor's maximum security sec-

(253) CT 3/10/92
tion had refused to allow warders into their cells

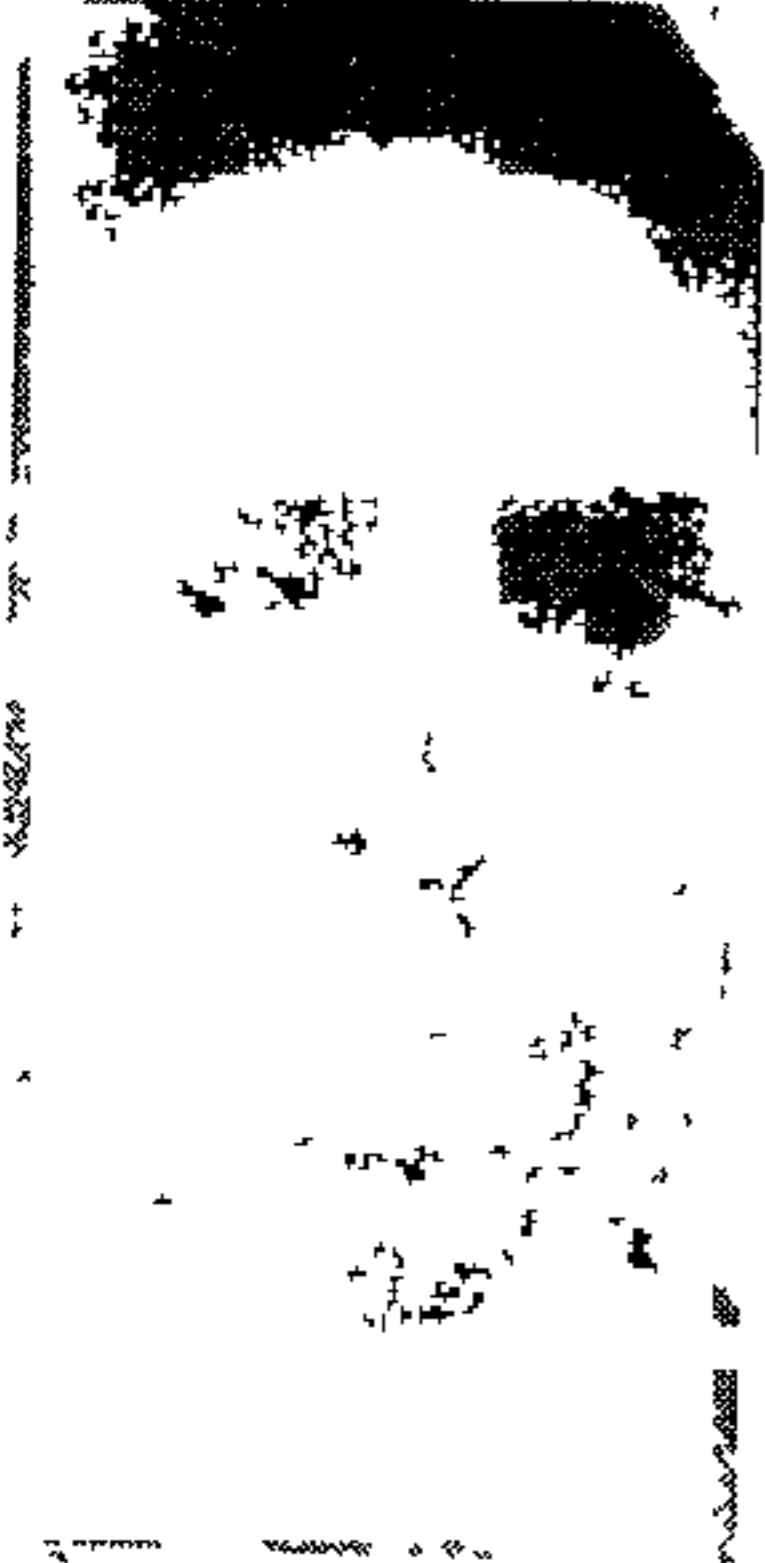
"The prisoners had an aggressive attitude and threatened the warders with sharpened objects. Teargas had to be used in order to enter the cells whereafter sharpened objects were removed from the prisoners and from the cells"

Col Immelman also confirmed that a Warrant Officer Murray was stabbed in the neck with a sharpened spoon

Only 12 prisoners sustained minor injuries and all of them received medical treatment — Staff Reporter, Sapa

Malaza's confession: Govt probes re-arrest

(253) CT 3/10/92



STILL LUCKY ..
Lucky Malaza

Political Staff

THE government is urgently investigating whether convicted bank robber Lucky Malaza can be re-arrested after he confessed yesterday that he had not been convicted for any politically-motivated crime

But it appears unlikely that he will be re-arrested unless he commits a new crime

The Correctional Services Ministry spokesman said this week that Malaza had been "unconditionally" released. ANC spokeswoman Ms Gill Marcus said yesterday although he had been freed for crimes that were unacceptable to the ANC, he could not be re-arrested

Malaza said in a statement, issued by the ANC, that his deeds were criminal. He fully regretted what he had done and undertook not to commit "such crimes" again

"I am representative of many people in South Africa who, because of the harsh conditions in our country, have been criminalised.

"I hope that a new non-racial, democratic and just South Africa will enable people like myself to live a life that has meaning. I pledge to work in all ways possible to achieve such a society and to give people like myself a chance," Malaza said

Ms Marcus said the ANC's position was that indemnity should only cover politically motivated crimes.

After his confession was released, the Committee on the Release of Prisoners, representing officials of the Department of Correctional Services, the ANC and the Department of Justice, said it had advised the Minister of Law and Order that Malaza fell within the guidelines "as was agreed upon"

"Since his release further information has become available which caused the committee to conclude that his motive was not political."

Mr Vlok then said he had taken note of the committee's findings and he was presently considering all options

Prison death: Mum to sue

A ROBERTSON woman is to sue the Minister of Correctional Services for negligence following the death of her 13 year old son in the Robertson prison on September 24.

Mrs Francina Snyman claims her son Neville died at the hands of youths with whom he had shared a cell. He had allegedly been strangled and sodomised and his head had been bashed in.

A police spokesman said charges of murder and sodomy were being investigated against six boys.

— Staff Reporter,
Sapa

(253) cr 3/10/92

15 OCT 1992

UNIVERSITY OF CAPE TOWN
SALDRU LIBRARY

Amnesty riots

(253)

ARC 310/92

ROCK PULLS MOOR

"As is customary, this incident is being investigated departmentally and complaints concerning alleged assaults have been reported to the police for investigation."

The Western Cape regional Commissioner of Prisons, General M G. Spannenberg, confirmed that he would meet the prisoners on Monday.

(Popper) claim that cell windows were covered with blankets to trap the teargas.

He said it happened from time to time that prisoners refused to take meals and such incidents were normally dealt with according to the existing policies.

"Normally such incidents are resolved through dispelling the perceptions which are at the roots of such actions."

"The prisoners are informed that they are displaying behaviour that is jeopardising their privileges and remission of their sentences which depends on good conduct," said Colonel Immelman.

"The department is satisfied that the members who were involved dealt with the incidents in a professional manner and malicious claims to the contrary are totally rejected."

Prison sources said a Warrant Officer Murray was injured on Thursday after being stabbed in the neck with a sharp object during the fracas, and 12 prisoners were slightly hurt. All received medical treatment.

Some prisoners had reported assaults to the prison officials who passed them on to the police. They were being investigated.

Correctional Services spokesman Colonel Dame Immelman told Weekend Argus the confrontation started yesterday after prisoners in the maximum security section had refused to allow warders into their cells. He said the prisoners became aggressive and threatened the warders with sharpened objects.

"Teargas had to be used in order to enter the cells, whereas sharpened objects were removed from the prisoners and from the cells."

Later, the prisoners became riotous and damaged prison property by setting blankets alight and breaking the lights, he said.

It became necessary to use "necessary force" to restore order and prisoners were not assaulted without motives as alleged, said Colonel Immelman. He also rejected a Police and Prisons Civil Rights Union

■ A policeman and 12 prisoners have been hurt during clashes at Pollsmoor Prison. A meeting is to be held on Monday to discuss the prisoners' grievances.

VUYO BAVUMA, Weekend Argus Reporter

ALMOST 800 hunger-striking prisoners at Pollsmoor are to discuss their grievances with prison officials on Monday after a day of rioting in which a warder was stabbed in the neck and 12 prisoners were slightly injured.

Prisoners smashed lights and set their blankets on fire. Teargas and force had to be used to regain control, said a spokesman for the Department of Correctional Services.

It is understood the trouble began earlier this week when 22 prisoners began a hunger strike in protest against the amnesty releases of convicted murderers Barend Strydom and Magoo's Bar bomber Robert McBride. By yesterday, the number of hunger strikers had swelled to

Apla, Popcru call a truce

South 3/10 - 7/10/92

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THE guerilla wing of the Pan Africanist Congress, the Azanian People's Liberation Army (Apla) undertook last weekend to exclude members of the Police and Prisons Civil Rights Union (Popcru) from attacks on security forces

The two organisations met in Zimbabwe last weekend. Their delegations were led by Popcru president Mr Gregory Rockman and Apla chief political commissar, Mr Romero Daniels.

Apla has claimed responsibility for numerous attacks on policemen in the past few years and Popcru, concerned that its members were at risk, requested a meeting to discuss the issue.

"We could not assure Apla about the actions of policemen and

warders who are not our members and who cannot defy brutal and deadly instructions from their masters," said Popcru general secretary Mr Peter Nkuna.

Nkuna said the union undertook to meet senior police officials to find ways of minimizing and possibly stop the killings on both sides.

He advised security force members who were not covered by the agreement to place their loyalty with the community they served rather than with the government.

"They must be seen to be protecting and serving the public rather than their masters, even if it means facing expulsion like Rockman did in 1989," Nkuna said.

McBride is not a killer, says mother

South 3/10 - 7/10/92

(253)

RELATIVES and supporters of ANC operative Mr Robert McBride, released from Westville prison on Monday, have reacted angrily to government attempts to link his freedom to that of Church Square killer Barend Strydom

"My son's no killer but our family is getting used to the way the media and the government are showing him as one," said McBride's mother, Mrs Doris McBride

"What really disappoints me is the way the media looked for rela-

tives of the victims of the Magoo's Bar bombing, but no-one bothered to find out how the victims of Barend Strydom felt

"I'm not saying the Magoo's victims' families have no right to mourn, but the country isn't mourning the death of the people Strydom killed"

Mrs McBride said she did not believe that it was right that people should die as a result of political actions, but all she was asking for was fairness

Her son had acted out of love for his people and not because he hated a particular grouping because of the colour of their skin

After his release, McBride echoed this sentiment

"If my victims had been black, I am sure I would have been released much earlier," he said

He took the media to task for referring to white victims of bombings as "innocent civilians" while black victims of violence were described merely as "blacks"

MY VIEW

Ted Magill a freelance political journalist

WHEN Robert McBride and other political prisoners walked to freedom this week, they left behind many "criminals" jailed for lesser crimes — economic crimes like theft, robbery, housebreaking — who resorted to these crimes not with a political motive, but out of politically-created conditions

While apartheid prompted some South Africans to take up arms, it also created the conditions which forced many others to resort to economic crimes

Apartheid was not just the egoism of a race that arrogantly considered itself superior. It was also a means of systematically depriving people of their land, forcing them into cheap labour — into a system of economic exploitation!

What else was job reservation, group areas and the black education system, if not an attempt to subordinate non-whites into lower economic groups? Who was that minister who said blacks did not need better education because they would never be more than labourers?

Political deprivation lends itself to economic exploitation and social deprivation

How many children were born into socially deprived circumstances — robbed of the most basic of their social needs — housing, health, education and employment?

How many landless people migrated to the cities in search of jobs, found themselves wandering the streets hungry, resorted to crime — and eventually found themselves in prison, getting a meal at state expense?

Apartheid broke down cultural structures, divided families and criminalised the oppressed. Prison life became a new culture for many blacks

Walk through any prison and you'll find mostly African and coloured faces — sullen, unco-operative faces who know the system works against them and who make no effort

A large number of political prisoners were released this week, leaving behind many "political" prisoners of a different kind

to further the aims of their oppressors

On June 30, 1991, there were more than 64 118 black prisoners and only 3 222 white prisoners!

Once in prison, it's not easy to break out of the habit. Despite the supposedly redeeming "Christian" principles one might expect of the state doctrine of Christian Nationalism, the state is quite prepared to declare criminals beyond rehabilitation

In terms of the Criminal Procedure Act an accused can be declared an "habitual criminal"

An habitual criminal must serve a minimum of seven years, but theoretically he may never be released

On June 30 last year, there were 3 636 black, as opposed to 326 white, habitual criminals in South African prisons

"When does the sentence of a transgressor end?" asks Daniel Samuels, an habitual criminal of Victor Verster

As an habitual criminal his sentence is "indefinite" — in his words, "life"

"I want to get to know my people. I want my family to know me. I have worked all these years like a donkey. Why must I work? For what? I have been in prison since I was 18. I am now 40. I have never committed a murder or rape or molested a child," Samuels says

Prison conditions are hardly conducive to rehabilitation. Many prisoners have their sen-

I want my family to know me. I have worked all these years like a donkey. Why must I work? For what? I have been in prison since I was 18. I am now 40. I have never committed a murder or rape or molested a child'

Robert McBride

tences extended

Take the case of Jannie Abrahams, who claims his sentence has been extended because of his refusal to work. The warders submit negative reports about him and his sentence is extended

Abrahams says he wants to work, but suffers dizzy spells and headaches. He says he does not receive the proper medical treatment

Prison authorities say he declines to fetch his medication from the hospital. They did not comment on his claim that the medication is ineffective

For Gert Cloete, too, the light at the end of the tunnel is fading fast. After attempting to escape, his remission was cancelled and his sentence effectively extended by a year

Every time in prison Cloete picks up additional charges, he says

Complaints of this sort are numerous, as prisoners slowly despair of any opportunity to restart their lives

While political prisoners like McBride walk out into the spring sunshine of reconciliation, thousands of economic criminals will remain behind bars

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'MY LIFE FOR

Cj/Pres 4/10/92

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By MOSES MAMAILA

MK hero Mahlangu forgotten in release euphoria

WHILE relatives of political prisoners saved from the gallows celebrate the government/ANC deal to release the convicts of conscience, Martha Mahlangu is reminded that her son, Solomon, is gone forever.

Not that Martha had actually forgotten about her last-born - who was the first Umkhonto we-Sizwe guerrilla to be hanged - but when other condemned political prisoners rejoin their families, Martha just battles to come to terms with his death.

Speaking to City Press this week from her Mamelodi home, Martha said people seemed to be happy that political prisoners had been released, but they tend to forget about the dead heroes.

"My son is dead, but there is no problem," she said in a voice that contradicted her statement.

Describing her son, Martha said Solomon - whose other name was Kalushi - was an obedient and quiet child who liked to help at home

Hangman

"I do not know how he became involved in politics as he was always at home, except when he visited Themba Nkosi, a close friend of his in the neighbourhood

"He was 18 and doing Std 8 when he disappeared from home following the 1976 unrest. We did not know where he was as he never wrote to us," she said

The only time that the Mahlangu learnt of Solomon's whereabouts was in

1978 when police raided them and told the family of his arrest.

Martha still vividly remembers that cold night when police stormed into their house and started searching without giving any explanation

It was only after the thorough search that Martha was told her son had been detained and she was only allowed to see him after a month

The ANC cadre was arrested in Goch Street, Johannesburg, following a shootout which claimed two lives and left several policeman injured.

He was subsequently convicted of murder on the common purpose doctrine and sentenced to death.

On April 6 that year, he courageously honoured his appointment with the hangman

"Just before he was to be hanged, he told me that I should not be troubled because his death was unavoidable in the struggle for liberation.

"He said he was dying for the nation and we should not mourn as his ultimate sacrifice would some day be rewarded," said Martha.

The 67-year-old mother said after the execution the family received R500 over two months from for-

eign donors but this has stopped since the release of ANC leader Nelson Mandela

"The donors believe that since the ANC is now unbanned and freely operating in the country, the organisation would be able to take care of its own bereaved families," she added

"I am now old and my husband died some time ago I depend entirely on my pension as my family appears to have been forgotten Perhaps if Solomon was still alive he would help me As for now, I live like a bird," she told City Press.

Following last Saturday's summit between State President F.W. de Klerk and ANC leader Nelson Mandela, more than 150 political prisoners have been released and still more are to follow.

Chapter

Some of those released include three notorious MK guerrillas - Mthetheli Mncube, Mzondeleli Nondula and Robert McBride - whose death sentences were commuted to life imprisonment.

As these men and others, including extreme rightwinger Barend Strydom, happily reunite with their families, friends and relatives of those executed for political offences must be blaming time which never favoured them.

While the families of the late ANC cadres Mahlangu, Andrew Zondo and Benjamin Moloise were reminded of the sad loss of their beloved, at least they know the chapter is closed

The pain of her loss still



LIBERATION'

150 walk the pair first

FURY AS 11 MORE THUGS GO FREE

By CHARIS PERKINS, SHARON CHETTY and DE WET POTGIETER

ELEVEN other hardened criminals were released along with gangster Lucky Malaza as "political prisoners" last weekend in terms of the deal between President De Klerk and ANC president Nelson Mandela, the Sunday Times has established.

The "dirty dozen" included men convicted of stock theft, robbery, house-breaking and possession of drugs, as well as murder, culpable homicide and assault.

Neither the ANC nor the government could explain yesterday how they came to be released.

Prison officials referred to a list drawn up by the Human Rights Commission last November. But the HRC said it had "no idea" which list had been used to determine who would go free. And the ANC claimed it relied on names given by the Correctional Services department.

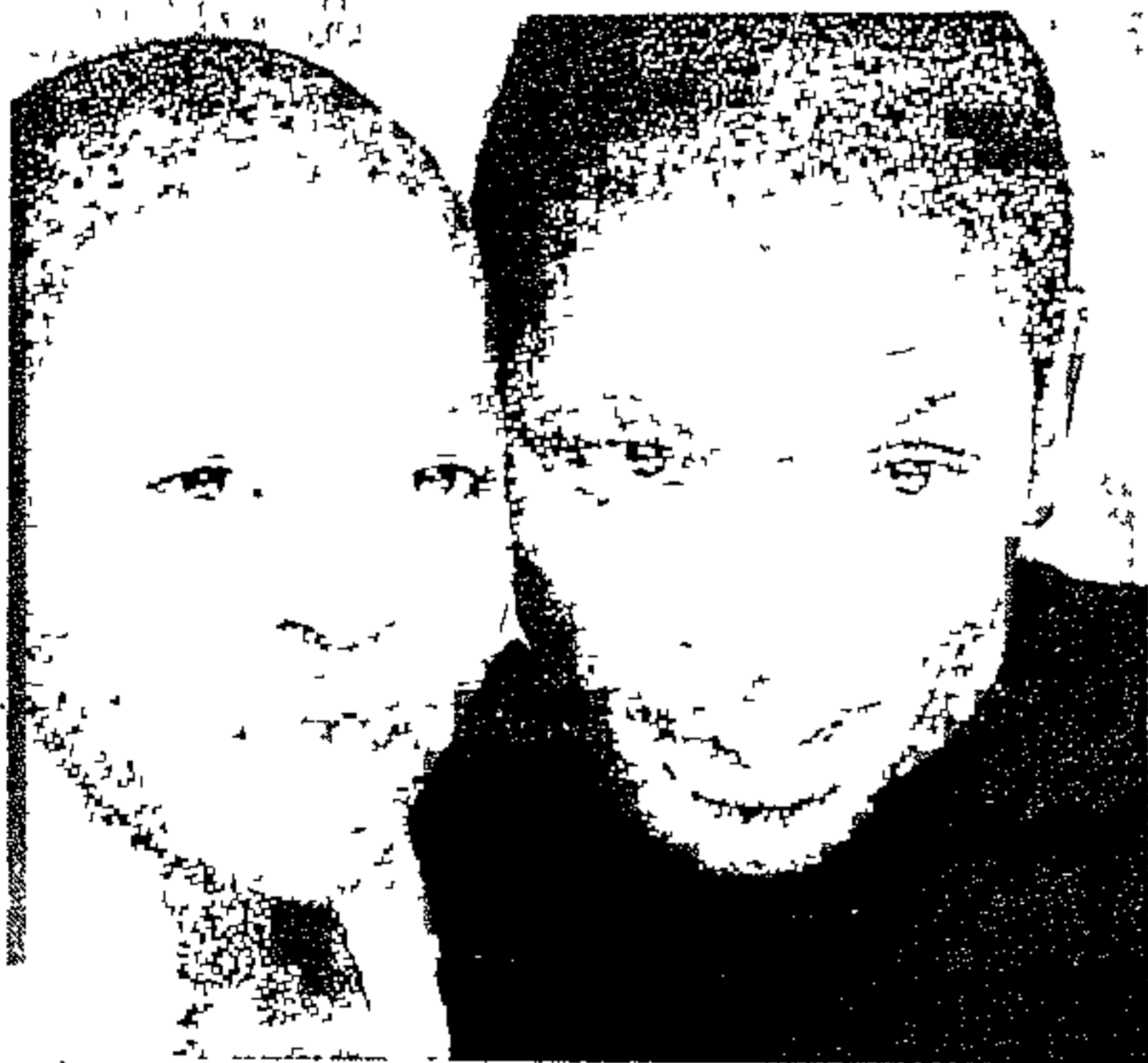
Public anger has mounted since the releases began a week ago.

Hasty

Democratic Party justice spokesman Tony Leon, who is MP for Houghton, said last night "I'm not surprised by this latest news. The releases seem to have been handled in a shambolic way and in great haste. I don't know who is responsible for the mess, but I am disturbed and disconcerted."

Meanwhile, a satisfactory explanation for the parole of mass killer Barend Strydom was still not forthcoming yesterday. Strydom was never included in the debate on political prisoners between the ANC and the government.

Strydom walked out of Pretoria Central Prison on Monday morning after giving his "word of honour" that he would never again commit the heinous crimes for which one of South Africa's most respected judges, Mr Justice Louis Harms, sentenced him to death nine times-



LUCKY TO BE HOME ... Lucky Malaza with his daughter Mpho
Picture: JOE SEFALE

Appeal

In addition, Judge Harms tried to protect society from Strydom for at least three decades, imposing an effective 30-year jail sentence because, he said, "there is no hope of rehabilitation for you."

The judge said he wanted to ensure that in the event of a successful appeal against the death sentence, or a reprieve, Strydom was "removed from society, as demanded by the interests of the community, to which you remain a danger."

The 12 common criminals released last weekend are

- Thebu Mhlawuli, sentenced to 12 years at St Albans prison, Port Elizabeth

□ To Page 2

THUGS GO FREE

ST Times 4/10/92 (253)
From Page 1

murder of a young policeman during the robbery. Yesterday, speaking from his family home in White City, Soweto, Malaza said he was "surprised" to find himself a free man.

Admitting that he lied when he told reporters waiting outside the prison that he had been jailed for 16 years for necklacing a man, Malaza said "I don't know why I was on the release agenda. Both the ANC and the government made a mistake."

Malaza said he knew some of the other prisoners released last weekend were also common criminals.

"Now that I'm free, I appeal to people to forgive me for my crimes. I know what I did was wrong, but all I want to do now is change my lifestyle," he said.

Barend Strydom too, My son's no hero, says 'Wit Wolf' Barend Strydom's mother
● See Page 4

gave assurances that his "days of violence are over".

Early last Monday morning, the self-styled Wit Wolf met General Henk Bruyn, Department of Correctional Services' deputy commissioner for operational services.

Strydom gave prisons authorities his word that he would never resort to violence as a means to political ends again and referred them to a letter he wrote to President De Klerk on February 17, 1990, in which he renounced violence and committed himself to peace and negotiations.

He assured General Bruyn that once outside the prison walls, he would take decisive steps to "tell my people the days of violence are gone, that I want to play a positive role in the negotiating process."

Leading criminologist Dr Irma Labuschagne who interviewed Strydom during his trial but could not bring herself to testify

in mitigation of sentence, said she had "never met a criminal who wouldn't say the right things to get parole."

Dr Labuschagne slammed Strydom's release saying he was no less dangerous now than when he was jailed.

"Attempts to rehabilitate him would take decades of intensive therapy," she said yesterday.

She refused to testify in his favour during the 1989 trial because she was convinced he would kill again.

"He should never have been let out. The man is psychotic and hates black people as far as he is concerned his victims got what they deserved."

In his judgment, Mr Justice Harms said

"Indications are that there is no hope of rehabilitation for you. You clearly have no remorse and you would in fact like to repeat what you have done."

He said Strydom's crimes were of an "indescribably barbaric nature premeditated and carried out unfeelingly."

"If the sentence I am going to pass creates the impression that I want to keep you out of society permanently, that impression is correct," the judge told Strydom in the Supreme Court in Pretoria.

Asked to explain how common criminals were released along with political prisoners, ANC spokesman Carl Niehaus said Correctional Services kept the records of the freed convicts.

"We have very little information except what we gleaned from the families and friends of prisoners," he said.

Correctional Services spokesman Lieutenant Bert Slabbert said he did not have details of "how these people qualified for release."

"They were all on the Human Rights Commission's first list," he said.

S/Times
4/10/92
(253)

13 hurt

in jail hunger strike

By AYESHA ISMAIL

MORE than 500 inmates of Pollsmoor Prison — who started a hunger strike this week to express dissatisfaction with the selection of political offenders for release — have started eating again after being promised a meeting with the Regional Commissioner of Prisons.

But they have vowed to resume their protest if a list of grievances handed to the prison authorities are not addressed by October 6.

The Western Cape regional Commissioner of Prisons, General M G Spanenberg, confirmed he would meet with prisoners tomorrow.

A spokesman for the Police and Civil Rights Union (Pocru) said the protest had started after the release of certain prisoners — including Magoo's Bar bomber Robert McBride, mass murderer Barend Strydom and convicted gangster Lucky Malaza — but that prisoners also had other grievances.

The releases also led to a violent confrontation between two rival prison gangs over whether the hunger strike should go ahead, the Pocru spokesman said.

SI Times (Metro)
Reasons

A prison warden who intervened was stabbed in the neck with a sharp object.

Prisoners in the maximum security section also set fire to their blankets, he added.

Pocru claims prisoners were assaulted "without provocation" by warders during a search and that teargas was sprayed into their cells. The union has called on Lawyers for Human Rights to investigate.

A Department of Correctional Services spokesman, Colonel Danie Immelman, confirmed the hunger strike and said: "It does happen from time to time that for a variety of reasons, prisoners refuse to take their meals. Such incidents are dealt with by heads of prisons according to existing policy and are normally resolved through communication."

Colonel Immelman confirmed that teargas had been used, but said this was done after prisoners had refused warders entry to their cells, and had threatened them with sharpened objects. Prisoners had become riotous and had damaged prison property by setting blankets alight and breaking lights.

4/10/92
"The necessary force had to be used to restore order."

Twelve prisoners sustained minor injuries.

The incident and complaints about alleged assaults were being investigated, he said.

ELIAS MALULEKE

THEY will not forget
... nor will they forgive
the "Wit Wolf".

Mass-killer Barend
Hendrik Strydom's vic-
tims say the pain and
scars caused by him are
too deep to heal.

For them, the 1988
massacre is a recurring
nightmare

And most people inter-
viewed this week shared
these views after the re-
lease of the man dubbed
the "laughing" killer —
who in November 1988
slaughtered seven black
people and wounded 15
others.

One of his victims was
an 80-year-old grand-
mother.

Some of his victims
and families of the de-
ceased were shocked to
hear of his release. But no
one was more shocked
than Simon Khorombi
Mukhondeleli, who pre-
vented Strydom from
continuing with his racist
slaughter on that fateful
day.

Mukhondeleli is said to
have gone underground,
fearing a revenge attack.

Then, in what appears
to be a bizarre and sinis-
ter rightwing message,
the fountain at the scene
of the massacre turned
red minutes after Stry-
dom was released. It is
believed a dye was
sprayed into the water by
his supporters, to indicate
that more blood will flow.

Far from being an out-
cast, Strydom has been
elevated to the status of a
hero of the volk.

The mass killer has also
sold his "exclusive" story
to an Afrikaans Sunday
newspaper.

Strydom was released
on Monday by State
President FW De Klerk, a
move seen as an exchange
for ANC member and
Magoo's bar bomber
Robert McBride, who was
also released this week.

The two were released
with 148 other prisoners —
including Lucky Malaza,
a notorious bank robber
and killer allegedly freed
by "mistake".

However, the release of
Strydom, a cold-blooded
murderer who was sen-
tenced to life imprison-
ment for the Pretoria car-
nage, was greeted with
bitterness by the black
community



**ON THE RUN ... Simon Mukhondeleli, who
stopped and disarmed Strydom.**

He was convicted to
hang seven times and
handed a life prison term
by Justice Harms at the
Pretoria Supreme Court
in July 1989.

The judge said Stry-
dom "must be removed
from society for the rest
of your life".

The ex-cop — who first
killed a woman in the
western Transvaal while
he was still a policeman
"in a practice run" for the
Pretoria massacre — went
straight into hiding after
his release.

He went on the ram-
page on November 15
1988, shortly after 2 pm.
His shooting spree and
trail of death started at
the Strijdom Square near
the State Theatre in
Church Street, and
stretched for over four
blocks down Prinsloo
Street before he was
stopped and disarmed by
Mukhondeleli.

In his wake, five people
died on the spot and 17
were seriously injured.
Two later died in hospital.
Strydom picked his tar-
gets carefully, shooting
only blacks and laughing
in their faces as they
reeled back in shock and
pain.

The family of the 80-
year-old grandmother,
Seluna Nkuna, said they
were shocked and de-
manded to know why
Strydom was released
with political prisoners
when he was just a cold-
blooded killer.

Geelboy Mabena, who
was crippled by bullets
fired by the "Wit Wolf",
lay in pain at the Kala-
fong Hospital this week
and cursed the release of
the man who "ruined my
life".

"I will never forget or
forgive, he should have
hanged," he said

Strydom: Too deep to heal Scars

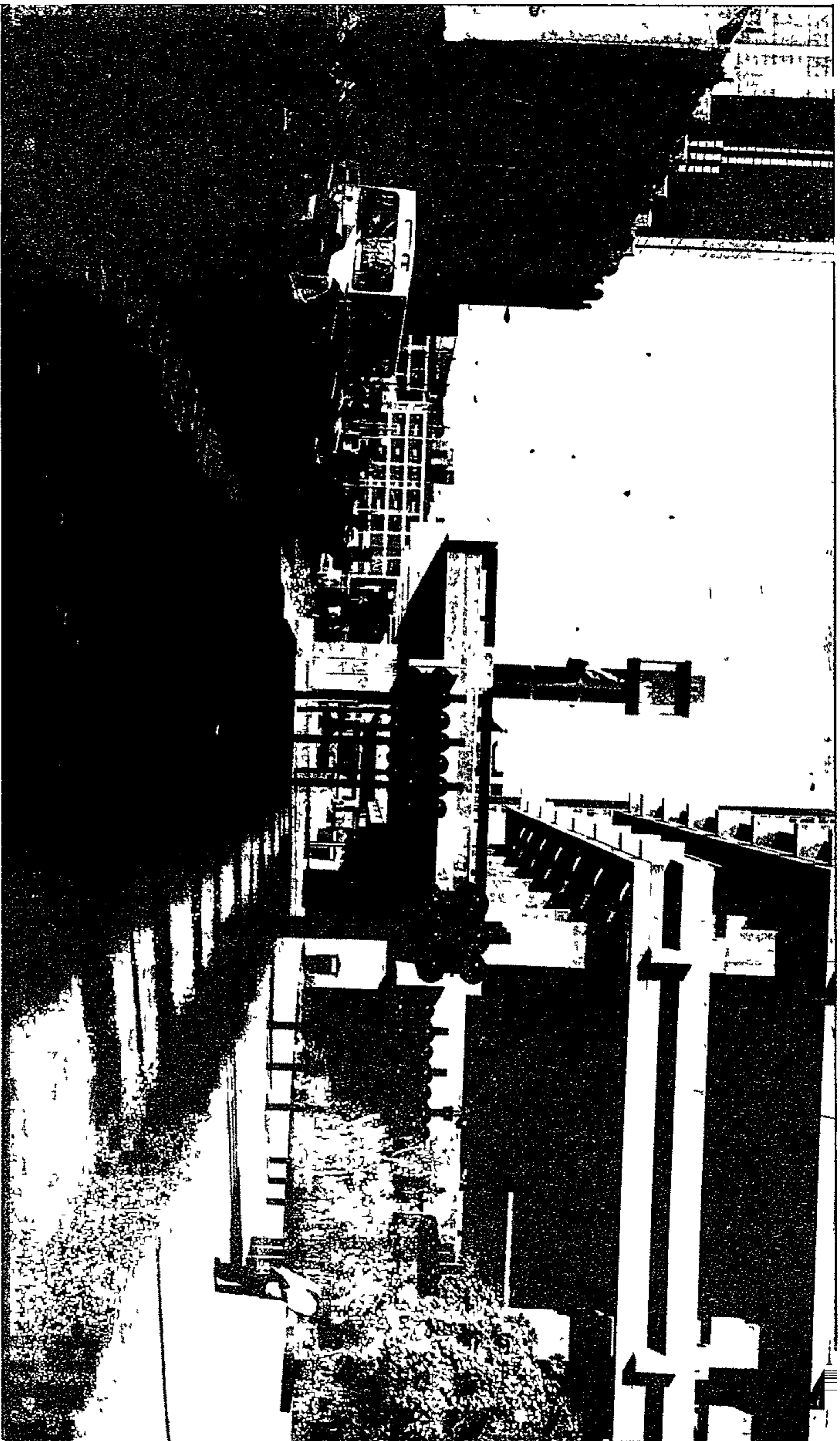
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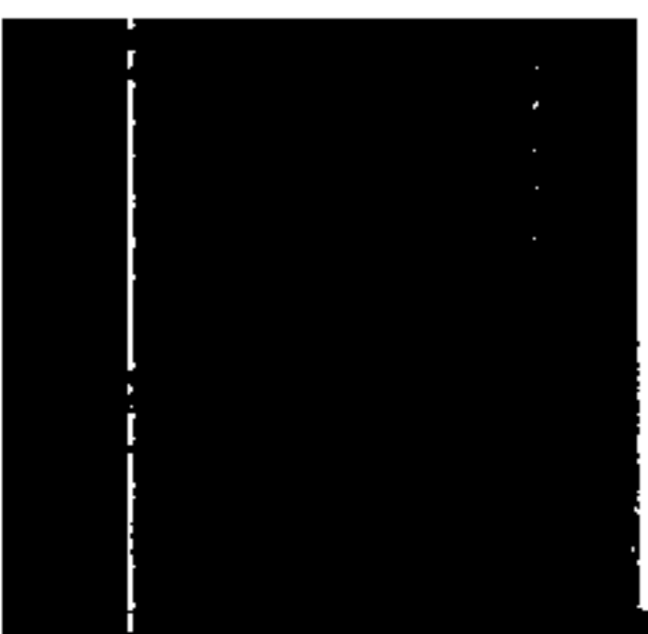
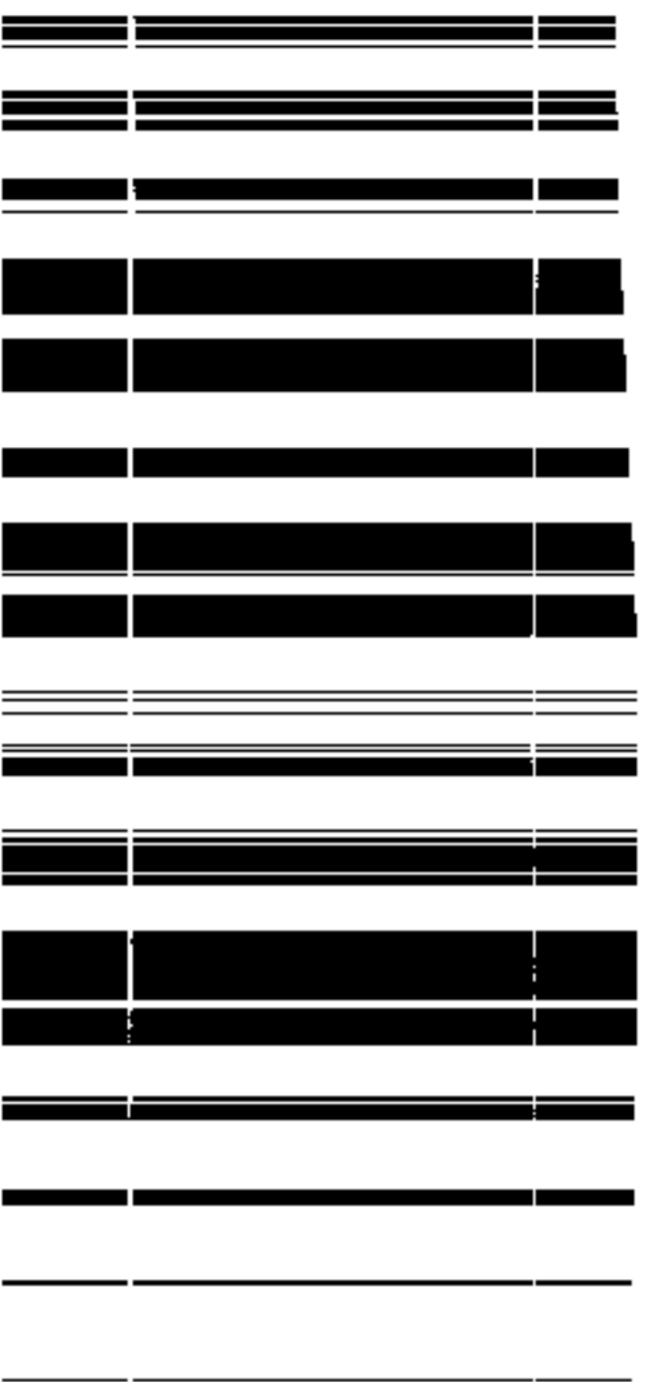
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DEATHLY QUIET . . . Strijdom Square the day after the massacre. The fountain was dyed red the day of Barend Strydom's release.



Bomb victim's brother hurt

By FRED KHUMALO

253 ~~257~~ ~~254~~

THE Robert McBride saga took another turn on Wednesday when the brother of a victim killed by the MK fighter's blast was injured in an explosion at his home.

Clive Pattenden, 25, whose sister Angeline was one of the three killed in the Magoo's Bar bomb blast, was apparently making an explosive with a mixture of chlorine and an oily substance when the mixture exploded in his northern suburb home in Durban.

This was confirmed by SAP spokesman Capt Hamilton Ngidi

Pattenden sustained severe burns to his face, chest and arms

In press interviews last week Pattenden expressed anger at the news of McBride's release.

"I don't think that he falls into the category of a political prisoner. He is a murderer and should stay inside forever," he said.

"I don't believe that his release is going to make Dr Buthelezi become friends with the ANC and that there will be peace in the country."

Pattenden was apparently also embittered by the death of his mother Charmain two years ago. She was

CP/News 4/10/92
said to have given up on life after Angeline's death.

The Pattenden family refused to have him admitted to hospital and he is being treated at home.

Capt Ngidi said police had opened a docket and were investigating charges under the Explosives Act.

McBride was attacked with a homemade knife by other jail inmates at the Westville Prison on Sunday.

At a news conference he disputed reports that prison officials had intervened to save his life.

"Prisoners who stood by my side were of all races - black, white and brown. It is a lie that prison officials intervened to defend me," he said

The ANC has placed a 24-hour guard on McBride and his wife as a result of assassination threats

Southern Natal ANC spokesman Dumisani Makhaya said: "The man is uncontactable. Ever since his release, I haven't even had a chance to shake his hand and have a comradely chat with him"

His mother Doris McBride is also bitter that she has not had the chance to talk to him and share jokes with him

But Doris is hoping that some day she will be able to sit down with her son and play him his favourite music - the lilting sound of reggae outfit UB-40.



Lucky and his wife, Khosi.

DID MALAZA BUY HIS WAY OUT OH LUCKY MAN

CP Res 4/19/92. 253

ELIAS MUEKE
CONFUSION still surrounds the release from prison of SA's luckiest man - Lucky Malaza.

No one can explain exactly why Malaza was freed this week, but among the rumours gaining ground is that the murderer and bank robber bought his freedom.

The Department of Correctional Services has admitted Malaza might have bought his way out of prison.

A Correctional Services spokesman said on Friday that a full investigation into how Malaza's name came to be on the list of political prisoners to be released would be conducted - and this would include the allegation that he used some of the more than R100 000 he stole in two bank robberies to buy his way out.

Both the ANC and the Human Rights Commission deny Malaza's name was included on the list of political prisoners to be released. Yet he was one of the first to be let out.

Another possibility is that Malaza's release might have been through a loophole which stems from his conviction on the illegal possession of two firearms.

In its report Correctional Services stated that the two convictions were security-related. This means the firearms might have been those used by guerrillas during the days of the armed struggle by MK and Apla soldiers.

Department of Correctional Services Minister Adriaan Vlok described the rumours surrounding the release of Malaza as "wild allegations and unsubstantiated claims".

However, the department said on Friday it was investigating how Malaza's name was included in a list containing the names of political prisoners - including allegations that Malaza may have paid a bribe to be released.

The department at first said Malaza's name was on the list submitted to it by the ANC.

However, it has since been proved that his name was first on the list

'Mncube turned me to ANC'

By **THEMBA KHUMALO**

LUCKY Malaza has now joined the ANC. Speaking from his home in White City yesterday, Malaza said he was a reformed criminal and had taken up ANC membership.

He said he made the decision to join the ANC while he was in prison, after he had met Umkhonto we Sizwe commanders Mthetheli Mncube and Robert McBride, both of whom were freed on Monday.

Malaza said: "I met Mncube while I was held on the Death Row. We discussed politics at length and he explained to me what the ANC stood for."

He said he was surprised when the commanding officer at New Local Central Prison in Pretoria told him of his release.

Malaza, who passed Std 8, insisted yesterday that he was a "victim of circumstances created by apartheid".

"Were it not for the system I wouldn't have been a criminal and I would have been educated and living a decent life with my family," he said.

His immediate plans were to buy a taxi and register as a taxi owner in order to help maintain his family, he said.

of political prisoners prepared by Correctional Services, who then handed the list over to the Human Rights Commission.

The "mistaken" release of Malaza was spotted by the HRC, who made it known that he was not a political prisoner.

Correctional Services is now investigating who was responsible for listing the notorious bank robber as a political prisoner.

Yesterday Malaza acknowledged the activities he had been sentenced for

were criminal and not politically motivated.

He said in a statement issued by the ANC that he fully regretted what he had done and undertook not to commit "such crimes" in the future.

"I am representative of many people in SA who, because of the harsh conditions in our country, have been criminalised."

"I hope that a new non-racial, democratic and just SA will enable people like myself to live a life that has meaning. I pledge to work in all ways possible to achieve such a society and to give people like myself a chance."

Malaza was serving more than 16 years in jail for crimes ranging from robbery and murder to being in possession of unlicensed firearms. He was also still an awaiting-trial prisoner at Pretoria Central for another bank robbery charge.

Malaza is the third dangerous prisoner convicted of non-political crimes to be released by Correctional Services as a political prisoner this year. Killer policeman Khethani Shange was released after serving nine months of a 27-year jail term for a "callous murder".

Thulani Choeni was sentenced to 18 years' imprisonment in 1990 for the murder of two people who accidentally bumped his car. He served a mere 17 months in jail.

Malaza's controversial release sparked a mud-slinging match between the ANC and Correctional Services, each blaming the other for his release.

The department at first claimed the convicted killer's name was on a list of 1 292 names of political prisoners.

However, it turned out that Malaza was described as a political prisoner in an earlier list drawn by the department last year. The list was handed over to the HRC to compare with the names prepared by the HRC and Lawyers for Human Rights.

"Malaza was not in our lists and while we were checking, Correctional Services suspended the audit committee and went it alone," said HRC national director Safoora Sadek.



HOORAY! ... These water-babies are celebrating the coming of summer, and what better way to welcome it than a dip in the pool. By **MIKE MZILENI**

CP Reporter

Vilakazi shot to open jobs'
THE vicious gunning down two weeks ago of deputy secretary general of the ANC PWV region, Bavumile Vilakazi, was carried out by "fod-up" former exiles attempting to "clear their way to finding jobs", a confidential source revealed this week. CP Res 4/10/92.

Vilakazi was gunned down by unknown gunmen as he emerged from a hardware store.

This attack follows a spate of killings aimed at activists affiliated to the ANC in the Vaal.

According to sources in

'Vilakazi shot to open jobs'

the Vaal, Vilakazi had been accused of "blocking" jobs.

Vilakazi was critically wounded in the attack and is presently receiving treatment at a Vaal clinic.

Vilakazi's brother, Paul, who is a minister on the East Rand, refused to comment on the issue, saying he had no right to talk about the controver-

sy. ANC PWV region organiser Paul Mangaliso said the organisation was not aware the shooting was an "inside" job.

He said the Vaal was a highly militarised area which was teeming with Askaris, Civil Co-Operation Bureau assassins and "sellouts".

Mangaliso added: "A commission has been instituted by the ANC to investigate the matter and locate who was responsible for destroying democratic organisations and ANC comrades like Floyd Mashela."

Poison drips cover-up alleged

By **MOSES MAMAILA**

ADMITTING a baby to a hospital intensive care unit has become a nightmare for many parents, following revelations that more than 60 infants and adults might have died because of contaminated drips.

An undisclosed number of babies have died in

Bisho bomb

Strefen 5/10/92

Prisoner (253)
escapes

LONG-TERM prisoner Mabuka Abraham (20) has escaped from the HF Verwoerd Hospital in Pretoria

A spokesman for the Department of Correctional Services said yesterday Abraham was serving a 15-year sentence for housebreaking, robbery and escape

Archbishop installed

THOUSANDS of Catholics converged on Westridge Park Tennis Stadium in Durban yes-

Another death in custody brings 1992 total to 97

The Argus Correspondent

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JOHANNESBURG. — A man who was arrested for being drunk in public was found dead in his cell at the Marble Hall police station about 3½ hours later, police said.

ARC 5/10/92

Regional police commissioner Major-General Koos van Zyl said the man, who was not identified, was arrested at 150am yesterday at the Arabie Dam, about 5km from Marble Hall.

He was put in a cell, where police checked on him regularly, General Van Zyl said.

At 5 30am police found the man dead.

Foul play is not suspected. A post mortem examination is to be held.

● Deaths in custody are averaging 10 a month. According to Human Rights Commission figures, 96 people have died in custody this year.

Twenty-four have died since pathologist Dr Jonathan Gluckman went public two months ago with allegations that police were killing people in custody.

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JIP342XGOLDJN

Policemen, Inkatha members among new prisoners to be released

10RF prisoners, including policemen and Inkatha members, were due to be released on in terms of new legislation to be published this month, a government source said yesterday.

The bureaucratic bungles encountered in the release programme so far would be investigated, but plans to expand the release programme in terms of the new criteria had not been shelved, the source commented.

The new criteria are the crime portfolio. A meeting of such a committee involving Inkatha, for instance, could result in

out-of-date? The joint ANC, Correctional Services and Justice Department committee, which approved the 150 prisoners released so far, would re-examine these releases.

But other tripartite committees — involving the Justice Department, the Correctional Services Department and specific political parties — would discuss more prisoner releases. These releases would be completed by November 15.

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Releases

5/11/79 9/10/92

(253)

RAY HARTLEY reports that ANC legal official Matthew Phosa phoned Vlok's office to tell him the ANC would not object to the re-arrest of Lucky Malaza, just minutes after Phosa met the convicted robber and murderer at the weekend.

Phosa said his meeting with Malaza had been brief and to the point.

"We met for about five minutes. I asked him if any of his crimes had been politically motivated. He said no," he said.

Malaza stunned journalists by issuing a signed media statement after his meeting with Phosa.

"I... acknowledge that all the activities

that I have been sentenced for were criminal and not politically motivated. I fully regret what I have done and undertake not to commit such crimes in the future," he said.

Malaza claimed he was representative of many South Africans who were forced into criminal activity by apartheid.

A senior legal source said it would be highly irregular to re-arrest Malaza as he had been released unconditionally.

"It would be very difficult to re-arrest him unless it could be shown he obtained his release fraudulently," the source said.

TIM COHEN

(253)

the release of Inkatha members who satisfied the new, broader criteria for prisoner releases.

These releases would take place in terms of legislation due to be published in the short session of Parliament this month, rather than in terms of the President's prerogative powers.

President F. W. de Klerk is understood to be reluctant to involve his constitutional powers in the prisoner release programme, and would prefer instead to per-

mit the releases in terms of specific legislation.

The ANC, suspicious that the legislation would be an attempt unilaterally to introduce an amnesty law which would indemnify state officials, stated the proposed legislation at a media briefing on Friday.

However, it is not yet clear what the nature of the legislation will be.

About 350 prisoners listed by the ANC government committee, which would also investigate how accidentally released gangster Lucky Malaza was included on

the release list, a Correctional Services spokesman said.

A joint government/ANC committee was to investigate reports that at least 12 of the 150 recently released prisoners were guilty of ordinary and not political crimes, a spokesman for Correctional Services Minister Adrian Vlok said yesterday.

The fact that the stated offences of the released "political prisoners" were ostensibly ordinary crimes did not necessarily mean they did not fall within the new criteria, the spokesman said.

Releases: Call for a rethink

CT5/10/92 (253)

By ANTHONY JOHNSON
Political Correspondent

THE government yesterday called for a complete re-evaluation of the information being used as a basis for the release of political prisoners

This follows the disclosure that at least 12 hardened criminals — dubbed the “dirty dozen” — walked out of jail in the past week because it was assumed that they were bona fide political offenders

Amid the storm which erupted when it became clear the Lucky Malaza case was not an isolated incident, Correctional Services Minister Mr Adrian Vlok asked the special committee reviewing cases of individuals trying for “political prisoner” status to undertake “a complete re-evaluation of all available information”

The committee has also started the process of identifying hundreds of prospective candidates for a newly-created category of political prisoner. The candidates have to be identified by the middle of next month

According to Mr Vlok, individuals qualifying for this new cate-

gory, which falls beyond the original guidelines for what constitutes a political prisoner, must have been involved in a crime which was politically motivated, and be committed to contributing towards political reconciliation in South Africa

These new releases would take place in terms of legislation due to be published in the short session of Parliament this month, rather than in terms of President F W de Klerk's prerogative powers

State officials

Mr De Klerk is understood to be reluctant to involve his constitutional powers in the prisoner-release programme, and would prefer instead to permit the releases in terms of specific legislation

The ANC, suspicious that the legislation would be an attempt unilaterally to introduce an amnesty law which would indemnify state officials, slated the proposed legislation at the weekend

Ministry of Correctional Services spokesman Mr Bert Slabbert said yesterday those qualifying for release as part of this next batch would not only be ANC sup-

porters but also members of the PAC, Inkatha and the police

Reacting to the release of the “dirty dozen”, Mr Slabbert said yesterday the face value of a crime was not an indication of political motives when the offence was committed

Because of this people should not jump to the conclusion that these specific incidents did not have a political motive at the time of committing the crime, he said

It is still unclear what the government plans to do about the ordinary criminals who were released in error, and neither the government nor the ANC have been able to explain how their names sneaked onto lists of supposed political prisoners

Mr Slabbert said yesterday Mr Vlok had not yet reached a final decision but was “considering all options available”

Legal experts — including those in the government — have in the past week expressed doubts about whether bogus political prisoners could be re-arrested, as they were released unconditionally

Detainee's body found in cells ^{CT 5/10/92} (253)

MIDDELBURG. — The body of a detainee was found in the Marble Hall police cells yesterday morning, Eastern Transvaal regional police commissioner Major General J J van Zyl said in a statement.

According to police, a man of about 30 had been arrested in the early hours of yesterday for being drunk in a public place at the Arabie dam, about five kilometres from Marble Hall.

He was taken to the Marble Hall police cells where he was visited regularly by charge office personnel, police said.

"At 5 30 this morning during a routine visit it was discovered that the man had died," the statement added.

A post-mortem will be conducted to determine the prisoner's cause of death, the statement said.

30 still on strike at Pollsmoor

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UTS/10/92

Staff Reporter

ABOUT 30 prisoners were still on hunger strike at Pollsmoor, two awaiting-trial prisoners told the Cape Times in telephone calls yesterday

One hunger-striking prisoner, who said he was also refusing to stand trial on murder charges, said warders were threatening prisoners still on strike with dogs and batons, and had sprayed them with teargas

Another awaiting-trial prisoner, arrested on theft charges, said two men had fainted from hunger since the start of the strike four days ago

Department of Correctional Services spokesman Colonel Danie Immelman said 30 Pollsmoor prisoners were still listed as official hunger strikers

About 500 Pollsmoor prisoners went on hunger strike last week to protest against the release of mass murderer Barend Strydom and Magoo's Bar bomber Robert McBride

Colonel Immelman said no mass hunger strikes had been reported from other institutions, adding it could not be established whether occasional hunger strikers in other centres were striking for the same reasons as Pollsmoor prisoners

He confirmed reports that prisoners were sprayed with teargas, saying they had threatened warders with sharpened objects and set fire to prison property in a bid to keep warders out of their cells



Barend Strydom

Mass-killer says he feels no remorse

BAREND Strydom is prepared to kill again

He is not sorry he killed eight blacks in 1988 in the Afrikaners Sunday paper *Rapport*. The newspaper has reportedly paid him R25 000 for the exclusive rights to his story

He was released last Monday, the same day the Government released the MK trio of Robert McBride, Mthetheli Mncube and Mzondeleli Nondula.

Says Strydom: "I am not stricken with remorse. To be remorseful, you must have done something wrong. I did nothing wrong. I did not kill because of hatred for the enemy but because of love for my people.

My victims were not without guilt. They were people who, day after day, are trying to take over my country."

He admits that he wrote a letter to State President FW de Klerk renouncing violence. In his letter to the Government he said when he committed his crime, there was lot of unrest in the country.

He says this has now changed and there is no...

Just a 'normal day's work', he says of slayings:

room for violence. However, if there were to be a return to the violence of the 80s, he would repeat what he did to protect his people.

He says the 1988 killings in Strydom Square and De Deur were not impulsive acts but carefully planned. "They were a counter to the ANC's terrorism. They were killing innocent women and children."

Instead, he says, his killings should have been better planned than they were.

"The world should see me as a freedomfighter and not as a cold-blooded murderer who should be hanged," he says

According to him he woke up on November 15 1988, the day he killed six blacks in Pretoria, knowing that he had a duty to perform.

"For me this was just a normal day's work which I had to do. There were no specific thoughts in my mind. I just knew I had a duty to perform."

Journalist's note: 5/10/92, 253

Red Cross given access to prisons

Blom
6/10/92 RAY HARTLEY (253)

THE International Committee of the Red Cross has carte blanche to conduct spot checks on detainees in SA Police holding cells, following a weekend agreement with government, Red Cross Africa head Jean-Daniel Tauxe said yesterday.

The announcement came in the wake of the death of a man in a cell in the eastern Transvaal at the weekend, which brought the number of cell deaths to at least 20 since the end of July.

The agreement follows an earlier pact allowing the Red Cross access to all prisoners in jails across the country. The agreement, which also applied to the TBVC states and homelands, had been concluded during talks between the Red Cross and Law and Order Minister Hernus Kriel.

Tauxe made the announcement at the conclusion of a week-long visit to plan the agency's involvement in SA in 1993.

Red Cross SA head Toni Pfanner said the ANC claimed it no longer held detainees in its camps outside the country, and planned Red Cross visits to camps had therefore been called off. The organisation had decided to concentrate on visiting prisoners and providing relief to unrest victims and foreign refugees in the Transvaal.

He said released gangster Lucky Malaza had been part of a group of prisoners visited by the Red Cross, but responded to Malaza's claim that the organisation had persuaded him his crime was politically motivated by saying "it was not Red Cross policy to do such things".

Pollsmoor strikers warned to toe the line

Staff Reporter

PRISONERS on hunger strike at Pollsmoor have been warned by a top prison official that "undisciplined behaviour" will not be tolerated, the Department of Correctional Services said yesterday

The warning was issued by the Regional Commissioner of Correctional Services in the Western Cape, General M G Spannenberg, after he held "lengthy discussions" with prisoners yesterday over various grievances

stemming from last week's release of mass murderer Barend Strydom and Magoo's Bar bomber Robert McBride

Department of Correctional Services spokesman Colonel Daan Immelman said 46 of the 69 prisoners still on strike had already been sentenced. The rest are awaiting trial

He added that the situation was under control and the prisoners were being treated in accordance with international guidelines. All their meals were being provided daily

CT 6/10/92
Names weren't on HRC list

JOHANNESBURG — At least 22 of the 148 recently released prisoners, including murderer Lucky Malaza, were not recommended for release by the Human Rights Commission, the organisation said yesterday.

The HRC said the government had unilaterally suspended consultation with it in June 1991, leaving a great deal of "unfinished business" in terms of tracing prisoners and verifying their status — Sapa

Trust Feeds killer cop could be freed

Sowetan 6/10/92

■ Government to push general amnesty law through Parliament this month:

(142) (253)

By Ismail Lagardien

Political Correspondent

TRUST Feeds killer Brian Mitchell and former KwaZulu Cabinet Minister Bhekizizwe Jamile, who was jailed for murder, could be freed if the Government's proposed legislation for a general amnesty is passed by Parliament later this month.

State President Mr. FW de Klerk has said Parliament would consider legisla-

tion which would "clean the slate on the past properly"

"All prisoners and offenders must be treated the same, regardless of their political affiliation," he said.

He explained the Government would table legislation in Parliament later this month.

The ANC and PAC expressed alarm yesterday that the Government unilaterally could release people like Mitchell and Jamile and grant them amnesty.

'HRC did not seek Lucky's release'

By Helen Grange
Pretoria Bureau

SM 6/10/92
253

The Human Rights Commission (HRC) did not recommend the release of bank robber Lucky Malaza or that of at least 21 other prisoners freed in terms of the recent Government/ANC agreement, the organisation said last night.

The HRC defended its list of "political prisoners", which includes 12 prisoners released and subsequently found to be common criminals.

Suspended

The HRC explained that its lists were the product of "unfinished business" last year with the Government.

It said lists were being exchanged with the Department of Correctional Services for the purposes of prisoner releases under the Pretoria Minute agreement, but that the Government, "without consul-

tation or notice", unilaterally suspended the discussions in June last year.

This had left "a great deal of unfinished business in terms of tracing prisoners and verifying their status", the HRC said.

At least 22 of the 148 prisoners released, including Lucky Malaza, had not been recommended for release. Seventeen of the released were never on an HRC list, and five prisoners convicted for murder, including Malaza, were not included because no background information was available on them.

The HRC said it had recommended that hard-core borderline cases should be addressed by an independent arbitration body.

The Government is re-evaluating the cases of each of the controversial released prisoners, although there are no legal procedures for the re-arrest of released prisoners.

**Arson suspect
found hanged at
police station**

6/10/92
Own Correspondent
and Pretoria Bureau

A suspected arsonist hanged himself with his belt at the Sunnyside police station yesterday, police said.

Police spokesman Major Andrew Lesch said that Vernon Kilian was arrested on Sunday in connection with a fire which gutted five shops and several offices at Sunnyside in Pretoria. He was the owner of a needlework shop destroyed in the blaze.

A business colleague said yesterday Mr Kilian "must have snapped".

The businessman, who asked not to be named, said Mr Kilian had recently become depressed.

Warning for strikers

POLLSMOOR hunger strikers have been warned by the Department of Correctional Services that "undisciplined behaviour" will not be tolerated.

The prisoners are on hunger strike in protest at the release of political prisoners, among them Barend Strydom and Robert McBride.

The regional commissioner met prisoners yesterday to discuss their grievances, the department said in a statement. The hunger strikers were being treated in accordance with international guidelines and their meals were being provided to them daily, it said. — Staff Reporter. (253) ARG 6/10/92

NP spotlight on freed prisoners

Political Correspondent (253)

EAST LONDON — The Government could come under fire from its own ranks here during the Cape National Party congress for its controversial handling of the release of political prisoners. (253)

Although the issue is not on the official agenda — printed before the prisoners were freed — Cape MPs believe it will nonetheless be raised by delegates. *STAN 6/10/92*

MPs say the issue might be addressed by Cape NP leader Dr Dawie de Villiers — who opened the congress last night — or by President de Klerk who is to speak today.

They expect the congress to reflect unhappiness in the party at the Government's apparent back-tracking by releasing hard-core ANC prisoners such as Magoo's, Bar bomber Robert McBride.

They say there is also dismay about weekend reports quoting mass murderer Barend Strydom as saying he had done nothing wrong and was willing to kill again.

FW's agony over freeing of killers

(253) ARG 7/10/92
MICHAEL MORRIS
Political Correspondent

PRESIDENT De Klerk has revealed that the decision to release Magoo's Bar bomber Robert McBride, "Wit Wolf" killer Barend Strydom and others was "one of the most difficult of my political career".

Addressing the Cape provincial congress of the National Party in East London yesterday, he acknowledged that the apparent mistake in releasing gangster Lucky Malaza was "unfortunate" and that criticism of the government over this was "justified".

"It is unfortunate that there was a mistake," he said, "and I am sorry about it."

NGRESS

FW finds prisoner releases a bitter pill to swallow

EAST LONDON — The decision to sign documents releasing political prisoners was one of the most difficult in his career, President F W de Klerk said in East London yesterday.

"I understand that the release of criminals is upsetting to the broader community. I must still sign the documents and must say it is one of the most difficult decisions in my career," De Klerk said.

"Can we ever reach reconciliation as long as we are divided into various camps, and agitate about people sitting in prison for acts they committed in a time of conflict which was compared by many to a state of war?"

Either agreement could be reached on releasing all prisoners with political motives, or

those who disagreed with government could be kept in prison while the NP remained in power.

The second option would not work. However difficult it was to release murderers according to specific norms laid down, it was the best of both options, De Klerk said.

"We have to make sure it is done on the basis of political motives, and no matter how wrong the deeds, there must be a procedure of identification to ascertain who to release."

It was unfortunate that a mistake or two had been made during recent releases. The matter was, however, being investigated.

"These decisions to clean the slate were an essential step in the best interests of long-term stability, and I ask for understanding of this."

Speaking at the same congress, Deputy Justice Minister Danie Schutte said it would be irresponsible of government to carry out executions with the knowledge that the right to life would be dealt with in a bill of rights that still had to be negotiated.

He said such a move would also embroil the courts in political controversy, which was undesirable.

Since executions had been suspended, 182 people had been sentenced to death by the courts for murder and rape, Schutte said. Government believed death was a suitable ultimate penalty because there were crimes so reprehensible no other punishment was adequate. But it believed the penalty should not be enforced at this stage, Schutte said. — Sapa.

Assault: Reef prisoner dies

JOHANNESBURG — A long-term prisoner has died in the Boksburg-Benoni Hospital following an assault, allegedly by a fellow prisoner, a spokesman for the Department of Correctional Services said yesterday.

He apparently died as a result of injuries sustained during the assault.

The man was taken to hospital shortly after the incident, but he died about 4pm.

His name has not yet been released. — Sapa

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Malaza told to serve sentence 'voluntarily'

ACCIDENTALLY released gangster Lucky Malaza's run of good fortune came to an abrupt end yesterday when prison officials told him to voluntarily serve the rest of his sentence or face re-arrest.

Correctional Services Department spokesman Lt Bert Slabbert said no deadline had been set for Malaza to make his decision, because he needed time to consult his lawyer on the matter.

A bureaucratic bungle led to Malaza's release along with 147 other "political" prisoners following the recent ANC agreement with government.

RAY HARTLEY

Malaza was convicted for murdering a policeman during a bank robbery in 1985.

Slabbert said the decision to offer Malaza the two options had been taken by Correctional Services after an ANC/government committee ruled that the one-time member of the notorious Dube Gang was definitely not a political prisoner.

He said the matter could become very complicated and legal action "much broader than just rearresting him" would have to be taken if Malaza did not volun-

teer for prison

Slabbert said Malaza had asked for time to work out how to respond but had been co-operative and open during the meeting with officials.

The joint ANC/government committee was still looking into the cases of 11 other prisoners alleged to be common criminals who were released along with Malaza, said Slabbert.

Red-faced government, ANC and human rights organisations have blamed each other for putting Malaza on the list of prisoners to be released.

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STAR 7/10/92

Visits will be unannounced

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By Bronwyn Wilkinson
Crime Reporter

Delegates from the International Committee of the Red Cross intend dropping in unannounced on police stations to visit detainees, taking the permission granted by Law and Order Minister Hernus Kriel to its fullest extent, ICRC spokesman Nic Sommers said yesterday.

Law and Order Ministry spokesman Captain Craig Kotze said the ICRC now has permission to visit any prisoner in any police station at any time

Sommers said the organisation intended starting its visits as soon as possible.

In July, the ICRC was granted permission by the Department of Correctional Services to visit prisoners in South African prisons. It also has visitation rights in police cells and prisons in the independent and nominally independent homelands

The only detainees the ICRC does not yet have permission to visit are those in police cells in Venda

Sommers said he could not comment on condi-

tions in prisons as ICRC findings were confidential and the reports were handed only to the authorities, with recommendations for improvements where necessary

Although the ICRC would visit all prisoners, the organisation would concentrate on people held on unrest-related charges, and in police cells in unrest areas

The visits would be on a purely humanitarian basis, Sommers said.

He said the ICRC would assess the conditions of detention and the treatment of prisoners. Its delegates would talk

to prisoners in private

Although the ICRC would liaise with the retired magistrates who are to be appointed by Kriel to monitor conditions in police detention, it would not make its findings available to them, Sommers said.

"The reports will go only to the authorities"

Human Rights Commission figures say 99 people have died in police custody this year

● A criminal suspect, John Cele of R93 Umlazi, committed suicide yesterday at the Umlazi police station, south of Durban, police reported

Surrender, Malaza urged

By Bronwyn Wilkinson
Crime Reporter

Convicted murderer and robber Lucky Malaza, who was recently freed as a political prisoner, has been told to either hand himself over to serve the rest of his sentence, or "legal steps" would be taken to bring him back to prison, a Ministry of Correctional Services spokesman said last night.

The spokesman could not say how much time Malaza had in which to hand himself in, or what legal steps the

Ministry of Correctional Services would take if he refused to surrender himself.

"All I can say is that those are his options," the spokesman said.

Malaza's sister, who asked not to be named, confirmed that a group of men had been to their Soweto house at about midday yesterday.

"I did not hear what they said, but Lucky told me they had said he should come back to prison," she said.

ANC legal expert Matthew Phosa said yesterday he had spoken to Correctional Ser-

vices Minister Adriaan Vlok, who told him it would be in Malaza's best interests to surrender.

Phosa said he would meet Malaza last night, but would not prescribe to him what course of action he should take.

The Dube Gang member who was sentenced to 16 years in prison for his part in a 1987 Cape Town bank robbery in which a policeman was murdered, conceded in a statement on Friday that none of his crimes had been politically motivated.

Star 7/10/92

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Malaza told to return to jail

By GLYNNIS UNDERHILL

CORRECTIONAL Services Minister Mr Adriaan Vlok yesterday gave convicted bank robber Lucky Malaza an ultimatum — go back to prison voluntarily or face legal steps.

Mr Vlok's spokesman, Lieutenant Bert Slabbert, said last night that the former member of the notorious Dube gang had been visited at his home

"We put the two options to him. He must come back voluntarily to serve his sentence or we will take legal steps to bring

him back to prison," he said

Malaza, who served three years of his 16-year sentence for an attempted armed robbery in which a policeman was shot, was consulting with the ANC legal department's Mr Matthew Phosa about his position yesterday.

Mr Phosa said Mr Vlok had tried to get the ANC to persuade Malaza to go back to prison voluntarily.

There is still confusion following the blunder that saw Malaza released along with the other 150 political prisoners

CT 7/10/92
Lieutenant Slabbert said last night that it was still not known exactly how the "mistake" occurred

The ANC said Mr Vlok phoned ANC secretary-general Mr Cyril Ramaphosa yesterday to ask him to put pressure on the pardoned criminal to go back to jail.

"Mr Vlok said that it was thought that if Lucky went back to prison, it would resolve a lot of the problems," said Mr Phosa.

But he said the ANC respected Malaza's right to make up his own mind.

"I will not allow the movement to impose a decision on him," he said.

Malaza 'could spend one more year in jail'

ARL
8/10/92

(153)

ROGER FRIEDMAN
Staff Reporter

LUCKY Malaza, convicted murderer and robber, has until tomorrow to respond to a Correctional Services request that he go back to prison voluntarily.

Lieutenant Burt Slabbert, spokesman for Correctional Services Minister M. Adriaan Vlok, said it was possible Malaza need spend only one more year in prison under parole policy.

He had served only three years of a 16-year sentence

when he was unconditionally released as a political prisoner, in spite of denying that any of his crimes were politically motivated.

According to various sources, Malaza is unlikely to accept the voluntary option in which case Correctional Services will take legal steps to put him back in prison.

Malaza has said he will return to prison only if a former Kwazulu policeman sentenced to 28 years but released after nine months is also re-arrested.

Malaza wants own deal on jail

(253)
CT 8/10/92

By GLYNNIS UNDERHILL

CONVICTED bank robber Lucky Malaza yesterday said he would return to prison only if former KwaZulu police detective Khethani Shange was arrested and placed behind bars

Shange was sentenced to 27 years for murder and three charges of attempted murder and released after only nine months in May this year as the result of an "administrative computer error"

In sentencing Shange, the judge called him "one of the main players in the reign of terror" in Kwa-Mashu in 1990

Malaza is refusing to go back to prison voluntarily despite the lure of a reduced sentence

"They will have to kill me before I will go back to prison. This matter will have to go to court," he said yesterday

Malaza, who was released by blunder along with 150 political prisoners, sought legal opinion after a visit by Correctional Services officials to his home this week.

'Violating rights'

Claiming he was promised he would have to serve only three years of his remaining 13 years if he went back to prison voluntarily, Malaza was emphatic that he would not go back behind bars.

"They are violating my rights as a human being. What do you think my wife, children and parents are feeling now?"

While Malaza admitted that his involvement in the bank robbery was not a political crime, but a "common crime", he said he committed the crime under circumstances aggravated by apartheid.

Having left school in Std 8 due to a lack of family finances, Malaza said, he would like to get involved in a taxi business

Lieutenant Bert Slabbert, spokesman for Correctional Services Minister Mr Adriaan Vlok, last night said it was possible, under parole policy, that Malaza might have to spend only one more year in prison.

Plan to thin out jail population

DURBAN. — The Department of Correctional Services has announced a plan to release more non-political prisoners to alleviate overcrowding in prisons.

Speaking at a medal parade at Westville Prison near here yesterday, Commissioner of Correctional Services Lieutenant-General Willem Willemse said there were 25 000 more people in prison than should be accommodated. — Sapa

Prison releases to ease pressure

SM 8/19/92
253
By Mike Siluma
and Charmeela Bhagwat

The Department of Correctional Services announced yesterday it was to release more non-political prisoners to lessen prison overcrowding.

Commissioner of Correctional Services Lieutenant-General Willem Willemse said at a medal parade at Westville Prison, near Durban, there were 25 000 more people in prison than should be accommodated.

This comes in the wake of the outcry over releases of political prisoners.

Willemse said a solution being considered was sentencing offenders to correctional supervision — a form of rehabilitation which had a success rate of 88 percent.

He said there were no plans to release anybody in terms of an amnesty. Correctional Services was looking at a "controlled earlier release programme".

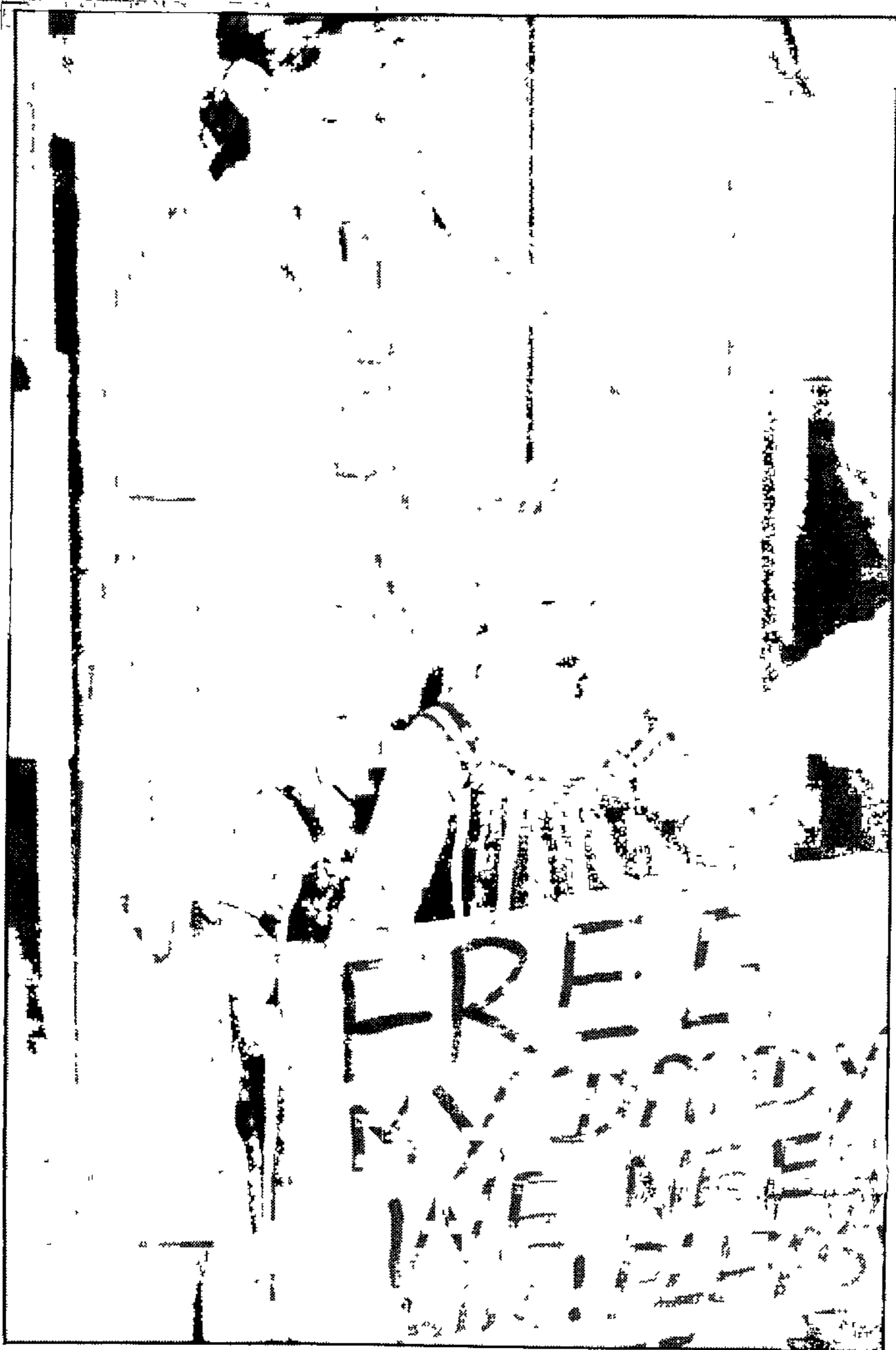
Convicted bank robber and murderer Lucky Malaza, who has conceded his crimes were non-political, said yesterday he would not surrender to prison authorities. The Department of Correctional Services on Monday asked him to give himself up.

Leading criminal law expert Professor Jan van Rooyen called yesterday for the sacking of Correctional Services Minister Adriaan Vlok as a result of Malaza's bungled release.

ANC legal expert Mathew Phosa, who spoke to Malaza yesterday, said Malaza had decided not to surrender unless Khethani Shange, a former KwaZulu policeman, was re-arrested.

Shange was jailed for 27 years in May last year for murdering five members of a KwaMashu family in two attacks in 1990.

Vlok has admitted that Shange's release was an "administrative" error.



Let him out . . . rightwinger Deon van Deventer's family protest outside the Department of Correctional Services in Pretoria on Tuesday. Picture Jonas Mankga

Petition to free 2 racist killers

STAR
8/10/92
(253)

Pretoria Correspondent

Family and friends of two racist killers are to petition the Minister of Justice in a bid to have the pair of "political prisoners" freed

This follows a placard demonstration on Tuesday when about 10 people protested outside the headquarters of the Department of Correctional Services to highlight the plight of Deon van Deventer and Japie Boonzaaier

In August last year, the two were each sentenced in the Rand Supreme Court to 25 years' imprisonment after being found guilty of kicking a crippled black man to death before setting him alight

In passing sentence at the time, Mr Justice Joffe said the pair's only reason for attacking Johannes Masango in Johannesburg in 1990 was that he was a black man

He said no one was entitled to attack any person, irrespective of their race, colour or creed

Leading yesterday's demonstration was Peet Boonzaaier, brother of one of the killers

"They killed the man because he had a black skin, so that makes it a political crime," said Boonzaaier, adding their release was warranted in the light of Barend Strydom and Robert McBride having been freed

A Correctional Services spokesman said the department asked the demonstrators to approach the Minister

Now is the time for healing, argues Martin Challenor

STAN 8/10/92

Storm of criticism changes direction

(253)

CORRECTIONAL Services Minister Adrian Vlok is in an unusual position. A few years ago he won the acclaim of the National Party with his tales of the police's successes in their fight against the ANC and its allies.

Bravely Vlok stood up then to the outside world that was opposed to apartheid. Today, the man who announced the arrest of people like Robert McBride has to announce their release from jail. Now, while the world bestows its acclaim, Vlok and his Cabinet colleagues are running into heavy criticism from some of their own supporters.

There are shouts of "murderers on the streets" and accusations that the Government was irresponsible. But the releases had to go through. There is more to the releases than the fact that they were demanded by the ANC before it would enter negotiations. The releases are part of South Africa's movement away from the politics of apartheid. Each prisoner released — no matter what their political affiliation — took the country one step further away from apartheid.

People seeing the releases in terms of bending the laws are seeking to put law above the prin-

ciple that when a war is over, the prisoners go free.

South Africa is moving through a unique era, and unusual steps are required to keep the country headed towards democracy.

Where the Government can be criticised is that it should have finalised the release of prisoners a lot earlier. America's George Bush thought the issue had been cleared up in the middle of last year, so ruled that one of US pre-conditions for the lifting of sanctions had been met.

The guideline now for deciding if people in jail should be released is that their crime must have been

committed with a political motivation, and their release must contribute to reconciliation.

To process the releases, a committee was set up comprising members of the Department of Justice and the ANC. They agreed on 150 prisoners and are now looking at the other cases.

This brings to 1 449 the number of political prisoners of all persuasions who have been released, according to the Government's figures.

At the same time, more than 7 000 people have been indemnified against prosecution.

Law may be changed to put murderer back in prison

Malaza rides his luck

253

DD

Staff Reporters

The Ministry of Correctional Services may seek to amend legislation during the short session of Parliament next week to enable police to rearrest convicted murderer Lucky Malaza

Malaza, who was given until today to surrender, said he would not return to jail unless convicted murderer and former KwaZulu policeman Khetani Shange was rearrested as well

Ministry spokesman Lieutenant Bart Slabbert said this morning "If we do not hear from Malaza today we will take legal action"

According to law experts, Malaza cannot be rearrested unless new legislation is passed Malaza is defying an ultimatum to return to prison voluntarily today or face arrest. *SM 9/10/92*

He dismissed reports that he was in hiding.

Malaza, who was mistakenly released as a "political prisoner" two weeks ago, after an agreement between the Government and the ANC, accused the Ministry of Correctional Services of "playing" with his feelings

"I will not go back," he said in Soweto "I was released by them - I did not even appeal for this indemnity It was just given to me, so how can they say they want to take me back?"

"They are playing with my feelings, and I am a man with children and a wife.

"I am going about my business as usual I'm not scared and I'm not in hiding - I'm not here, it is because I'm arranging family matters or speaking to my lawyers or trying to arrange to buy a taxi"

Malaza said he was enjoying his unexpected freedom and under no circumstances wanted to return to a life of crime, which was why he



Defiant "I won't go back," says Lucky Malaza of the ultimatum to return to prison voluntarily or face arrest Picture Debbie Yazbek

was trying to buy a taxi
"I will never do anything again that will put me back (in prison) My crimes were not political - I won't do crime again - I have learnt something there."

It is unlikely that Malaza faces imminent arrest if he defies today's deadline.

In another development, the General Bar Council chairman Brian Southwood said the release of common criminals "by mistake" demonstrated "administrative incompetence and ineptitude on a staggering scale"

"The suggestion that one notorious murderer and robber submit himself voluntarily for a further period of imprisonment is laughable and merely serves to emphasise the incompetence of those concerned," he said in a statement

The council called on the Government to take the necessary action against those responsible for the bungle

"While accepting the need for reconciliation in the 'new' South Africa, and the use of the prerogative of pardon and indemnity in order to bring about reconciliation, the council has noted with disquiet and concern the use of these principles to bring about the release of two convicted murderers, Barend Hendrik Strydom and Robert John McBride, both of whom were

convicted of hideous crimes of an overtly racist nature."

No reasonable and right thinking person could regard Strydom and McBride as political prisoners or their crimes as "political offences", the council said

The disquiet and concern of the GBC stems from the fact that neither of the two men released committed the murders in circumstances which could be described as political and the wide-

spread perception of the public that the Government and the ANC cynically disregard the true facts whenever it suits them"

The ANC said last night it had conducted a "reticulous" investigation into the cases of 11 prisoners who are allegedly criminals released as political prisoners.

"The ANC has found the allegations in the report to be baseless regarding eight of the prisoners."

Bar Council slams prisoner releases

THE crimes committed by convicted killers Robert McBride and Barend Strydom could not be called "political", the General Council of the Bar of SA said yesterday.

Hitting out at the prisoners' release, it said, no reasonable and right thinking person could regard the murders committed by Strydom and McBride as political offences. *Blom 9/10/92.*

The council said while it accepted the need for reconciliation in the new SA, it noted with disquiet and great concern the release of two men convicted of hideous crimes of an overtly racist nature.

Even if the flexible guidelines used by government and the ANC to determine whether an offence or person was "politi-

(253) STEPHANE BOTHMA

cal" were applied, the two did not qualify for release, the council stated.

Strydom's trial judge found that his actions were of an exclusively racist nature and the judge had intended to remove Strydom from the community permanently.

McBride had placed his bomb which killed three and injured scores of people in order to achieve "white destruction" — not to achieve any political aim and not in execution of the policy of the ANC. In fact it was done contrary to the policy of the ANC, the council stated.

The release of common criminals by

□ To Page 2

Releases *Blom 9/10/92.*

"mistake" was also severely criticised in the statement and the council demanded action against those responsible.

"In a society already ravaged by crime — widely believed to be perpetrated by released criminals — this is an inexcusable error which demands there be accountability at the highest level."

Referring to the release of Lucky Malaza, the council said the suggestion that the notorious murderer and robber submit himself voluntarily for a further period of imprisonment was laughable and merely served to emphasise the incompetence of those concerned.

The council said the releases had led to a loss of respect for the criminal justice system and the administration of justice.

A widespread perception had also emerged that government and the ANC

(253) ~~253~~ □ From Page 1

disregarded the true facts whenever it suited them, it added.

□ RAY HARTLEY reports that legislation making it legally possible to rearrest a prisoner who had been released wrongfully could be passed by a special sitting of Parliament next week, a Correctional Services spokesman said yesterday.

He said such legislation would make Malaza's re-detention possible.

The ANC yesterday cleared eight prisoners alleged by a weekend newspaper to be common criminals wrongfully released along with political prisoners.

Three others were still under investigation, an ANC statement said.

A Correctional Services spokesman confirmed yesterday that a committee of ANC and government representatives had cleared the eight.

Lucky Malaza's last chance to give himself up

Sowetan 9/10/92

■ **Bank robber and murderer wants a former KwaZulu policeman, who is also guilty of murder, locked up too:**

LUCKY Malaza, convicted murderer and robber, has until today to respond to Correctional Services' request that he goes back to prison voluntarily.

Lieutenant Burt Slabbert, spokesman for the Correctional Services Minister Mr Adriaan Vlok, said it was possible Malaza need spend only one more year in prison under parole policy

He had served only three years of a 16-year sentence when he was unconditionally released as a political prisoner, in spite of denying that any of his crimes were politically motivated

According to various sources Malaza is unlikely to accept the voluntary option, in which case Correctional Services will take legal steps to put him back in prison

Malaza has said he will return to prison only if a former KwaZulu policeman sentenced to 28 years, but released after nine months, is also re-arrested

Slabbert said Correctional Services would announce the legal measures today as well as address the issue of the other allegedly erroneously released prisoners

The Department of Justice was presently grappling with the legal side, he said

However, Malaza's new-found freedom may be sealed when the Government passes legislation on general amnesty this month, reports **Themba Molefe.**

The department yesterday told *Sowetan* that if Malaza did not surrender, no action may be taken until Parliament reopens on Monday

Slabbert said there existed no comparison between Malaza and Shange

"Shange was released three months too soon," he said

But Correctional Services Minister Mr Adriaan Vlok's said at the time that his release was an administrative error

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Malaza a history maker

■ **GATES OPENED** Is it legal for a criminal released in error

to be asked to go back to prison? *Sowetan 9/10/92. (253) ~~(252)~~*

By Sonti Maseko

CAN a criminal released from prison by error be asked to go back to prison?

Is it fair, considering that he did not break out or, as it seems at the moment, did not use any illegal means to leave prison. Above all, is it legal?

The man at the centre of the storm is, of course, Lucky Malaza, who after two weeks of freedom is being asked by the State, which opened the gates for him to freedom in the first place, to surrender himself back to prison to serve the rest of his 16-year sentence, of which he has

served only three

He was sentenced for his part in a robbery of a bank by Dube gang members in Cape Town in 1987 in which a policeman was murdered

Should Malaza have benefitted from some, no doubt, highly embarrassing errors committed by the State?

"He would be very foolish to do so," a leading criminal law expert has already said

Surrendering himself would simply mean that he was entering into a new contract where he was waiving the pardon the state had offered him, said Professor Jan Van Rooyen of Unisa yesterday

Now it seems like the state would have to resort to the very difficult path of seeking a court order to rearrest Malaza and to explain why it was withdrawing the pardon which they offered to and which was accepted by Malaza

Malaza is clinging to the case of Khethani Shange, a KwaZulu policeman released in May last year after he was sentenced to serve 27 years for murdering five members of a KwaMashu family in 1990

Whatever the outcome, one benefit for Malaza is already apparent. He has become famous and looks set to make legal history

Warders pumped teargas into prison cells and beat inmates "like barbarians" in an attempt to break last week's hunger strike by 800 prisoners at Pollsmoor jail, a prison staffer has charged.

2 weeks

9/10-15/10/92

1252

WARDERS pumped teargas into prison cells and beat inmates "like barbarians" in an attempt to break last week's hunger strike by 800 prisoners at Pollsmoor jail, a prison staffer has charged.

Sergeant N Cornelius, a Pollsmoor dog-handler who submitted a report condemning the incident to the head of the prison, says he has been demoted because of his protests.

And, in an extraordinary move, dissident Pollsmoor staff members this week sought legal opinion on whether or not they could take legal action against their employer — the Department of Correctional Services — to defend the rights of inmates of the troubled jail.

Represented by the Police and Prisons Civil Rights Union (Popcru), the prison staff were advised they could not launch such an action, on the grounds that they had no legal standing. No legal provision exists for class actions in South Africa.

Family members of the prisoners were yesterday consulting lawyers with a view to launching an urgent court application for an interdict against the Department of Correctional Services, aimed at returning to communal cells 30 prisoners

Last week Pollsmoor's inmates staged a revolt; this week staff members are up in arms. GAYE DAVIS reports on the deteriorating situation at the troubled jail

ers allegedly placed in solitary confinement after last week's upheavals

The immediate trigger for the hunger strike was the government's release of mass murderer Barend Strydom and convicted gangster Lucky Malaza, but there are long-standing grievances about cramped and unhygienic conditions

Despite denials by the Department of Correctional Services that nothing other than "the necessary force" was used to "restore order" at the prison, Popcru has stood by its allegations of excessive force to break the hunger strike.

The 30 men who may form the focus of a legal action in the Cape Town Supreme Court today were elected by fellow inmates to spell out their grievances during a meeting on Monday with the Regional Commissioner of Correctional Ser-

vices in the western Cape, General MG Spanenberg.

The meeting was called to defuse the explosive situation at the overcrowded jail. Popcru alleges that the day after the meeting, the 30 men were removed from their communal cells and isolated in single cells. A Popcru representative said it appeared as if prison authorities had identified the men as strike "ringleaders"

Cornelius said that after he submitted his report, he was told not to report for duty in the maximum-security section of the prison, where all the dog-handlers are usually deployed, but to work in Pollsmoor's vegetable gardens instead. He believes he is being victimised by the prison authorities for "not going along with the mistreatment of prisoners".

In his report, Cornelius described warders behaving like "a bunch of barbarians" when they charged into a cell and began beating prisoners "without any reason". He said their behaviour was "negligent, unprofessional and undisciplined."

"It is actions like these that put the department in a bad light and which cause the prisoners to have no faith in (prison staff)"

Spannenberg commented in a statement issued yesterday that "no member occupies a post on a permanent basis and it is obvious that members rotate from time to time, especially members involved in custodial services."

"The services of a dog-handler for the safe custody of prisoners on prison premises was needed and Cornelius was not found a suitable member for this job."

The statement added that the commissioner had held lengthy discussions with prisoners and addressed, handled and channelled their grievances

"The best option is to have single-cell accommodation available for all inmates and occupying inmates in a single cell should not be confused with solitary confinement, as is described in the Correctional Services Act. No prisoners were put into solitary confinement arising out of the situation at Pollsmoor on October 1.

"It is the prerogative of the head of the prison to decide where prisoners should be allocated in order to secure order and discipline. In this case, the re-allocation of a few prisoners was deemed necessary."

Thousands of children held in SA prisons

Jail kids

Arg 10/10/92 253

Children in prisons are raped, sodomised and assaulted "without exception" and urgent action must be taken to get them out, say experts.

DI CAELERS, Weekend Argus Reporter

THOUSANDS of children who have not been found guilty of crimes are being held in South African jails in harsh and threatening conditions.

This has emerged from a special Weekend Argus investigation.

By most accounts it is estimated that at least 2 000 awaiting-trial youngsters are presently incarcerated. But a figure as high as 4 000 could be more realistic.

These children have no mattresses to sleep on, no clean clothes, half an hour's exercise a day and no access to social workers or child-care specialists

They are kept in cells with between 35 and 50 other youngsters and are "without exception, assaulted and sodomised", says Nicro's senior social worker, Rosemary Shapiro

The controversial question of the safety of children in jails has come to the fore again following the recent death in the Robertson prison of 13-year-old Neville Snyman. His cellmates allegedly sodomised him, beat him and ruptured his internal organs when they jumped on his stomach.

According to figures provided by the University of the Western Cape's Community Law Centre, around 500 children awaiting trial are imprisoned in Pollsmoor in maximum security facilities

Ms Shapiro said she believed there were about 4 000 children incarcerated and awaiting trial countrywide. But the Department of Correctional Services' official figures, as at August 31, are 1 974 for the whole country and 359 for the Western Cape

The fundamental problem, say the experts, is that the law dictates that these children may be imprisoned if they cannot be accommodated in places of safety or if their parents or guardians cannot be found.

This is where the police come in for a tongue-lashing from the specialists who claim that places of safety are still segregated on a racial basis, hence the lack of accommodation, and that the police find it far less trouble to simply imprison the child rather than search for the family

Ms Shapiro told Weekend Argus that some places of safety in the Cape had a utilisation rate of only 40 percent. This meant that 60 percent of accommodation stood empty

"The police find it more convenient to put them in lock-ups like Pollsmoor. It's easier to say there are no openings at places of safety

"Neither do they go to the trouble of finding the child's family. This is because, firstly, even if they are given the correct address, the community clams up when they visit the home. Secondly, many children don't give their correct addresses because they are frightened," she said

Michelle Morris, a lawyer at UWC's Community Law Centre, confirmed that there were openings at places of safety but that it was "easiest to put the children in prison".

She said it was essential that a list of all places of safety and the available places therein be drawn up. As many children as possible should be moved out of prisons as quickly as possible, she said

According to Ms Shapiro, less than two

Turn to page 3

Plight of jail kids

From page 1
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percent of children were represented in court by a lawyer and less than 20 percent had a family member in court with them.

"Police should have to account to the court why they haven't found the child's parents and then be given an additional 48 hours in which to do so as a matter of urgency. They should then be given an additional week to get help from interested organisations. If all that fails, the child should be released into a foster home or place of safety."

Another problem with awaiting-trial prisoners, Ms Morris told Weekend Argus, was that children often ended up serving double sentences because they were held for such long periods before being brought to trial

Ms Shapiro said "We had a case in which a young girl was sentenced to one year, in a reformatory after already spending a year in jail before her trial. They still expected her to do the extra year in the reformatory, claiming that she wouldn't otherwise receive her treatment"

The Democratic Party's correctional services spokesman, Mr Mahmoud Rajab, said it was "ridiculous" that children were kept in prison when "it is a constant gripe that there is no place for adult prisoners"

"It makes no sense that hardened criminals are released in terms of the amnesty while impressionable youths are left incarcerated," he said

The Deputy Minister of Manpower, Local Government and National Housing, Mr Glen Carelse, who last month announced the appointment of a special working group to probe the detention of youths under 18, told Weekend Argus he had "asked them to speed up the report" which had been expected by the end of the year.

"Prison is no place for children. As soon as I have that report I will take it to the Cabinet, which will take it further."

A Correctional Services spokesman said his department was well aware of the vulnerability of awaiting-trial juveniles. They were kept separate from adult prisoners and grouped according to age.

SEARCHED

Rioters shifted to the single cells

11/10/72
153

DALE KNEEN
Weekend Argus Reporter

SOME of the prisoners involved in amnesty riots at Pollsmoor last week have been moved to single cells.

A Police and Prisons Civil Rights Union (Popcru) spokesman said that among the 30 were representatives of prisoners who aired their grievances with prison authorities this week.

And a warder who believes his colleagues used excessive force in handling the riot has also been told he has to work in the prison gardens.

Western Cape regional commissioner of Correctional Services Major-General M G Spangenberg visited the prison on Monday.

Correctional Services spokesman Major Dave Smith said the commissioner held "lengthy discussions with prisoners and addressed, handled and channelled their grievances."

"The best opinion is to have single-cell accommodation for all inmates, and putting inmates in a single cell should not be confused with solitary confinement." "No prisoner was put into solitary

confinement arising out of the incidents at Pollsmoor on October 1."

The Popcru spokesman said prisoners in Section B1 — where blankets were burnt during the riot — were told they were being moved to single cells in Section B2 on Tuesday.

"Some of the so-called troublemakers were transferred to Section A and the rest to the Medium A prison," he said.

One of the prisoners, John Odendal, was told yesterday he would be moved back to Cell 621 in Section B2 after his mother contacted his legal representative.

Major Smit said it was the prison head's prerogative to decide where prisoners should be housed to secure order and discipline.

"The prison head takes all circumstances into consideration in coming to a decision and in this case the allocation of a few prisoners in single cells where available was deemed necessary."

Said the Popcru spokesman: "We believe Correctional Services must address the prisoners' problems instead of treating them high-handedly."

New law ⁽²³⁾ proposed for Lucky

Political Staff

PARLIAMENT is to consider drafting new legislation which could lead to convicted bank robber Lucky Malaza serving the remaining 13 years of his sentence

Proposals are likely to be submitted to Parliament when it meets for a short session next week.

Malaza was accidentally given an unconditional release as a political prisoner two weeks ago although he did not qualify for release under the amnesty agreement.

But unless the law is changed he cannot be re-arrested

A spokesman for the Ministry of Correctional Services said yesterday all legal steps, including the possibility of new legislation, were being considered to ensure that Malaza was returned to jail

(253)
**Pollsmoor
protesters
singled out**
CT 10/10/92

ABOUT 22 Pollsmoor prisoners involved in amnesty protests last week have been moved to single cells for "disciplinary" reasons.

It is understood that among them are several convicts who were chosen by their fellows to represent them in talks with the regional commissioner of prisons this week.

Lawyers acting for one of them, John Odendaal, said yesterday that after prison authorities had been told an application for an interdict was being prepared, Odendaal was returned to a communal cell.

The Correctional Services's liaison office in Pretoria said it was the prison head's prerogative to decide where prisoners should be kept, to secure order and discipline. — Sapa

THREE CHILDREN

Men 'rape, kill boy in cells'

South 10/10-14/10/92
By Mluleki Gantsho

253

A BOY, aged 13, died in a cell of the Robertson police station last month after he was allegedly raped and murdered by three men who shared his cell.

The boy has been identified as Neville Snyman, a Standard Two pupil at De Villiers Primary School.

Neville's 11-year-old friend, Mervin, who was with him in the cell on September 24, described the incident

"Neville was washing his shorts under the shower when one of the men pressed his head against the wall, under the running water. One of them raped him, then they kicked and hit him with a tap wrapped in a sock until he died."

Mervin also alleged that Neville was forced to drink water mixed with soap.

"There was nothing we could do to help him. We watched as they beat him. One of them said we would be killed if we told anyone."

He said the three men, "all in their twenties", beat the young boys and forced them to eat soap while they were waiting to be taken to court to face charges of theft.

Neville's distraught mother, Ms Fransina Snyman, said: "The police came a day after the incident to tell me of my son's death."

"I was shown his clothes that were full of blood and I was told to identify his body at the police station. I asked what happened to my son and they said, 'We don't know'. It's so painful, I cannot believe it, Neville was my only son."

Mr Mark Jasson, Snyman's lawyer, said that they were planning to lay charges of neglect against the Minister of Law and Order and the Minister of Correctional Services.

A spokesperson for the Department of Correctional Services said Neville was being held in a communal cell at the time of his death.

"The allegations that three of the occupants in the cell were in their twenties is devoid of all truth," he said.

Keeping tabs on the news

McBride slams Bar Council chief

FREED Magoo's Bar bomber Robert McBride on Friday described comments made by the Bar Council of SA chairman Brian Southwood as "ill informed and emotional".

In a statement McBride said that, as a senior representative of the legal profession, Southwood should have established the facts before making such wide-ranging comments. *(253)*

Southwood said on Thursday that neither McBride nor "Wit Wolf" Barend Strydom qualified for release after committing "hideous crimes of an overtly racist nature". *(CPAD)*

In reply McBride said he had no comment to make on Strydom's release. *@ 11/10/92*

"If Southwood, in keeping with established professional standards, had taken even five minutes of his time to browse through my indictment, he would have not even thought of making such a statement," he said.

"Where was the Bar Council's concern when the SADF were raiding the frontline states and killing civilians? Where is their concern for the wholesale slaughter happening on our trains and in our communities?" he added.

'The police hit me with a crowbar'

ALLEGATIONS of brutally assaulting a prisoner in police custody have been made against three members of the SAP in Mamelodi. (253) (251)

Police spokesman Maj Andrew Lesch confirmed that a charge of assault was being investigated

The prisoner was allegedly struck repeatedly with a crowbar and punched and kicked "senseless" by the police shortly after he was arrested on a charge of assault on Saturday night.

The bleeding and seriously injured man was allegedly taken to hospital only 14 hours later.

The alleged incident is sure to add more fuel to calls for an independent commission of inquiry into the mounting death toll in police cells.

Two more prisoners died in police cells this week, bringing the death toll to 21 since pathologist Dr Jonathan Gluckman publicly accused police of killing prisoners in their cells.

The alleged assault victim is hardware store labourer Lucky Thenjekwayo, 23, a breadwinner staying at his grandparents' home in Mamelodi West.

When City Press visited his home on Friday, Thenjekwayo's head was swollen, his left eye was partly shut, there was a gash on his head and he was covered in cuts.

A doctor who examined him said the head injury was consistent with assault.

Thenjekwayo alleged the police only took him for treatment after he complained to a senior police officer, who took a statement from him, promising the incident would be investigated.

He was taken to the Kalafong Hospital on Sunday afternoon in the back of a police van.

After his discharge from hospital at 3 pm on Monday, he was taken back to the cells where he was kept until 2 am on Tuesday. He claimed he was made to walk home in the middle of the night, although still in great pain.

The brutal assault on Thenjekwayo allegedly occurred shortly after midnight on Saturday night. He said he had an argument with his aunt, Pauline Thenjekwayo, late on Saturday night and there was a scuffle. In

An alleged brutal midnight assault with a crowbar on a man held in the Mamelodi police cells last weekend is sure to add more fuel to calls for an independent commission of inquiry to investigate the mounting death toll in police custody. ELIAS MALULEKE reports.



JUST ONE MORE . . . Lucky Thenjekwayo, 23, claims he was seriously assaulted by Mamelodi cops. ■ Pic: ELIAS MALULEKE

CP news 11/10/92.
a fit of anger, he threw a bunch of keys at her before she ran out of the house, and he went to bed

Thenjekwayo alleged he was woken up by loud knocks shortly after midnight. When he opened his door, two black policemen started to drag him out.

He protested and was then allegedly slapped in the face. He warned the police that his teeth had been wired following an assault by a thug 14 days earlier

As they dragged him to the van, allegedly punching him, one of the policemen lost his watch. After a search he was told he

would "s..t" if he did not produce it at the charge office.

He claimed that on arrival at the charge office in Mamelodi West, he was ordered to sit on the floor and as he did one of the cops swung at him with a crowbar. "I raised my arms to protect my head and the crowbar struck my left arm. As I screamed out in pain, a third policemen who was in the charge office joined the two and I was dragged out into the courtyard

"As we headed towards the cells, I was struck from behind with the crowbar and staggered

forward. I was then punched and kicked and fell down," he said

The alleged assault continued while he was on the ground, before being dragged semi-conscious and bleeding into a cell. One of the policemen then poured water over his head.

"I collapsed right next to the door. I was helped to some bedding by the other people in the cell," Thenjekwayo said.

Thenjekwayo's aunt, Pauline, who accompanied the police to the police station, said she was outside when she heard Thenjekwayo screaming

A few hours after he was released from the cells on Tuesday, Thenjekwayo was picked up by detectives and taken to court in connection with the alleged assault on his aunt. He was not asked to plead and was released on his own recognisances.

He said, however, that after his court appearance he was taken to the police station where his injuries were photographed. He was then told to stay home the following day as the police planned to take him to a district surgeon for a check-up, but had by Friday not showed up.

Thenjekwayo said he would approach Lawyers for Human Rights tomorrow, if he was feeling well, to bring a claim against his assailants.

Maj Lesch said the Commissioner of Police and all concerned policemen could not tolerate such behavior from police officers.

More than 180 people have died in police custody from January last year to date.

One of the latest victims this week was a 30-year-old man who was found dead in a cell in Marble Hall on Sunday, few hours after he was arrested for allegedly being drunk in public.

The other was SA Commercial, Catering and Allied Workers Union organiser John Cele, who died from a mysterious bullet wound while being "interrogated" by KwaZulu police on Wednesday.

The KZP said Cele shot himself in the head with his own gun

Prisoners in threat to strike again

By AYESHA ISMAIL (253)

PRISONERS at Pollsmoor Prison have threatened to resume their hunger strike if their grievances are not addressed in parliament tomorrow.

More than 500 prisoners embarked on a four-day hunger strike last week to express dissatisfaction with the selection of political prisoners who were released.

The strike ended after the prisoners were promised a meeting with the regional commissioner of prisons, Major-General M G Spannenberg.

The meeting, held on Monday, was attended by representatives elected by prisoners from different sections of the prison. (S. Times [Cape metro])

A prisoner at Pollsmoor's maximum security section told the Sunday Times this week that the 22 representatives who met with General Spannenberg were transferred to single cells because they were regarded as being "instigators" (voorbokke). 11/10/92

He said General Spannenberg had told them he could do nothing about their grievances as any decision regarding early releases had to be made in parliament.

The prisoner said the committee consisting of 22 members were called the "prisoners' voice".

"All we did last week was stand up for our rights. We were unnecessary assaulted by prison warders who also sprayed teargas into our cells."

Murderers

He said prisoners were dissatisfied with the selection of political prisoners for early release.

"We will be watching the opening of parliament very carefully. If our grievances are not addressed there, we will embark on mass action in the prison."

He claimed there were people in prison serving long sentences for minor crimes, while murderers and rapists were set free.

"We know Lucky Malaza very well. He was a member of a gang just like us. Look what he did, but he is a free man now. The Wit Wolf killed eight people in one day because he hated black people, I only committed one murder and I am still in jail."

He claimed toilets in the single cell section where he was being held were not working.

An interdict, which was due to be brought on Friday in the Cape Town Supreme Court for a prisoner, John Odendaal, to be returned to a communal cell, was called off at the last minute after he was returned to a communal cell.

Lawyers acting on behalf of Odendaal's common-law wife, Ms Beryl Anthony, said that minutes before going to court they were notified by a Major Marais that Odendaal had been returned to a communal cell.

A spokesperson for the Police and Prisons Civil Rights Union (Popcru) said that a warder who had witnessed the alleged excessive force used on prisoners last week had been transferred to the prison's agricultural section after he wrote a letter to his superior about the incident.

Overcrowding

A Spokesman for the Department of Correctional Services confirmed that the Regional Commissioner of Correctional Services had held "lengthy discussions with prisoners and addressed, handled and channelled their grievances".

He said it was the "prerogative of the head of the prison, in consultation with the commander" to decide where prisoners should be allocated in order to secure order and discipline in the prison.

"John Odendaal was one of the prisoners allocated, but since his behaviour has improved he is now again in the section where he was previously apprehended."

"It is common knowledge that there is an overcrowding problem at Pollsmoor Maximum and breakage such as toilets that run out of order do occur from time to time."

Facilities were being upgraded, he said. With regard to the transfer of the officer to the agricultural section, the spokesman said: "No member occupies a post on a permanent basis and it is obvious that members rotate from time to time especially members involved in custodial services."

Patrick Maginda, who is serving a life sentence in Pollsmoor prison for the murder of a community councillor, embarked on a hunger strike yesterday to secure his release, his attorney, Mr Mark Jasson, said.

But a spokesman for the Department of Correctional Services in Pretoria, Major Dave Smith, said Maginda was not on a hunger strike.



GET OFF MY CASE! . . . Lucky Malaza says he's staying in Soweto and nowhere else! ■ Pict: EVANS MBEWENI

'Untouchable' Malaza gets folk-hero status

By ELIAS MALULEKE

A BID by the Department of Prison and Correctional Services to return Lucky Malaza to prison has turned the bank robber and murderer into a folk hero.

Although Malaza has admitted that his crimes were not politically motivated, he is now the "untouchable".

Soweto residents are showing increased resistance to the bid by the Department of Correctional Services to have Malaza returned to prison.

Residents want Malaza out and about!

Support for Malaza has also come from the South African Prisoners Organisation for Human Rights (Sapo).

Contrary to reports that he is in hiding, Malaza is living it up in Soweto and the city centre — just like a person who has just returned from an overseas trip, rather than from a cell.

Wherever he goes he is mobbed by youths and elderly people.

Although red-faced prison officials are still trying to have him put back in prison, Malaza — who is said to have stashed his robbery loot — is not at all bothered.

Correctional Services Minister, Adriaan Vlok has indicated that he

intends to seek to amend legislation in parliament next week for the re-arrest of Malaza.

However, Malaza is thinking of a future away from a life of crime: he wants to use his loot for business and is scouting around for a taxi of his own.

"The authorities cannot hold me responsible for their own bungle. I won't run and I won't go back. They will have to carry me back to prison dead on a stretcher," he said on Friday.

He refuted allegations that he may have paid a bribe for his release and said: "If that is true, I must be a powerful guy."

The notorious bank robber was released by "mistake" last week among 150 political prisoners, after mistakenly being listed as one by State officials.

He was serving 16 years for various offences, including armed robbery, murder and being in possession of unlicensed firearms. At the time of his release he was also facing another bank robbery charge.

Malaza is now enjoying the protection of political and civic organisations — including the ANC, which he joined last week.

Suspect dies in custody

Staff Reporters (253)

STAN 13/10/92

A murder suspect died in police custody in Vanderbijlpark yesterday, bringing to 100 the number of people who have died in SAP custody this year, according to Human Rights Commission figures

Vaal Triangle police liaison officer Captain Piet van Deventer said the Sharpeville man, aged about 33, was being questioned at the Murder and Robbery Unit when he asked to go to the bathroom

When he did not emerge from the bathroom, detectives opened the door and found the man slumped over with his head on his knees, Van Deventer said.

He said an ambulance was called but the suspect was certified dead when it arrived

The dead man's name would be released once his next of kin had been informed. An autopsy would be conducted to determine the cause of death.

Cell deaths have received wide publicity since pathologist Dr Jonathan Gluckman said publicly in July that police were killing people in their custody

The Government, which has denied Gluckman's allegations, has promised to appoint retired magistrates to investigate cell deaths. Law and Order Ministry officials have repeatedly said a further announcement in this regard would be made soon.

Plan to force back released prisoners slated

APR 14 11 01 AM '92

(23)

ROGER FRIEDMAN
Staff Reporter

A LEADING law academic has slated a government proposal to pass retrospective legislation to force mistakenly released criminals to return to jail.

Professor Jan van Rooyen, head of the department of criminal law and procedure at Unisa, said retrospective legislation created "all kinds of terrible precedents" that could backfire and lead to Nuremberg-type trials for the perpetrators of apartheid.

If South Africa had a Bill of Rights there was no doubt retrospective legislation would be unconstitutional, he said.

"Even the government's own Law Commission version of a Bill of Rights forbids it. It's an abomination."

The professor said he was saddened by the perception that "the State President seems unwilling to come to grips with incompetence within State departments."

"Mr De Klerk should appear like someone in control, a winner. He should remove incompetent people from involvement in a potentially very dangerous exercise."

The retrospective legislation proposal "must be one of the

most stupid things the government has ever proposed and they'll live to regret it."

Professor Van Rooyen said there was a way to resolve the problem of mistakenly released criminals, but this would entail the government admitting their own mistakes.

"If the government wants to rectify the problem, it should ask the Supreme Court to set aside the decision on the grounds of its own people's incompetence."

"But this is tantamount to the government saying 'Please correct this. We are stupid.'"

He said he doubted the Supreme Court would grant such a request on the grounds that rights and privileges granted should not be removed.

"The wisdom of the government taking that approach is it would remove the entire problem from the hands of the state and there could be no further mishandling of their own mishandlings."

It is not yet known when or how parliament will enact the proposed legislation aimed primarily at putting murderer and bank robber Lucky Malaza back in jail.

Justice Minister Mr Kobie Coetsee is expected to address the media today.

Free us common criminals, too, says murderer in letter to FW

LIBBY PEACOCK

Supreme Court Reporter

A MURDERER and drug addict held in the maximum security section of Pollsmoor Prison has claimed in a letter addressed to the State President that the release of "left-wing and rightwing militants" discriminates against common criminals

He is Alawn Kent Matthews, 25, who was jailed in June for 20 years for murdering and robbing Argus advertising representative Mr George Haupt in his Sea Point home

Evidence by a social worker during his trial was that Matthews was a chronic drug addict who had twice almost killed himself with overdoses

In a letter addressed to the State President, a copy of which was sent to The Argus, Matthews said he had committed the crimes to support his drug habit

In the present political situation all citizens, and not just political activists, should have a chance of a new start

"Dangerous political mili-

tants are released, regardless of the fact that they have massacred numerous people. This all under the auspices of freedom and political rights

"Yet the common criminal who has had to steal to support his family or as a result of circumstances committed murder without intention, who has a positive chance of being an as-

set to society in the right circumstances, is not considered"

"I demand the same opportunity of release as the 'Wit Wolf' and Robert McBride, albeit into the custody of a rehabilitation centre" (253)

He said he was on a hunger strike which would continue until he was granted "an equal release opportunity"

Pollsmoor
prisoner (253)
CF 14/10/92
found dead

A POLLSMOOR prisoner, Freddy Hendricks, 22, was found dead in a communal cell on Monday night, the Department of Correctional Services has confirmed.

A department spokesman said the possibility was being investigated that he had been assaulted by fellow prisoners

Hendricks, of Cape Town, was found by a prison warder who was alerted by other prisoners in the cell

Sentenced in September this year, Hendricks was serving a four-year term for assault with the intent to commit grievous bodily harm

A post-mortem will be held soon

focus on releases

Sowetan 14/10/92

(253) 

THE RELEASE of political prisoners as part of the reform process has created a dilemma for common law prisoners

At the heart of the problem is the assertion by Government and political organisations that the political prisoners were not only fighting oppression, but were forced by apartheid laws to commit the crimes for which they now languish in jail

Thus, so the argument goes, as part of the process of political emancipation, their crimes must be understood and forgiven

And therein lies the rub for the common law prisoners who are being bypassed by releases

Prisoners who were sentenced for theft and armed robberies are also victims of apartheid, they argue

They were, like their political bedfellows, also forced by poverty and harassment by apartheid laws to commit their crimes in order to survive

By what right, the common law prisoners ask, are people who committed horrendous crimes such as mass murders suddenly found pardonable, while other people who stole to survive the ravages of apartheid have to rot in jail until kingdom come?

During a tour of prisons earlier this year, we spoke to many prisoners who expressed these views. One such prisoner is Moses Modibane, presently at the Leeuwkop prison, who wrote to us recently

"Minister Coetsee announced an amnesty on April 26 last year for nonpolitical prisoners. He mentioned that the Government had been kind to those on the left and nice to those on the right

"But what about chaps in the middle? If you are motivated by political offence (sic) you can get off. Is that fair? There will be a general amnesty," the minister said

Modibane said instead of an amnesty that covered common law prisoners, certain groups were released in a scheme that led to protests that were brutally suppressed, leaving prisoners dead

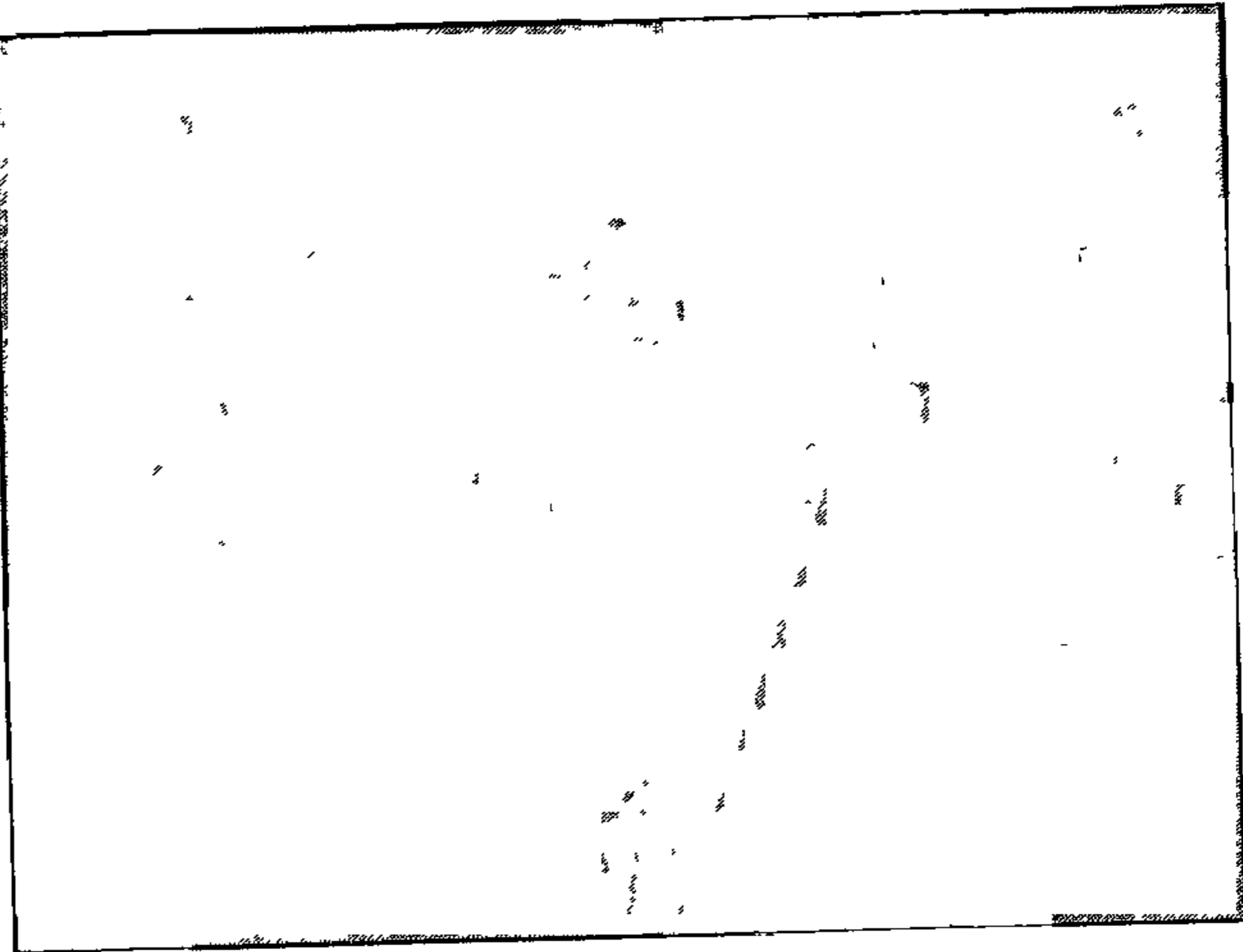
"The government failed to clarify the criteria it used to release Jack la Grange, whose guilt was proved beyond reasonable doubt and who was confirmed as a second offender

"The final straw came in February this year when Minister Vlok announced a new parole system. Instead we saw killer cop Khethani Shange released under controversial circumstances and explanations

"And this is now becoming a trend to release killer cops when taking into consideration the latest cop who was serving 18 years but was released after only seventeen months

"Now this situation caused the ordinary common law prisoner, who has stayed at least five years or more in prison, to wonder as to what

The release of political prisoners in a deal between the Government and ANC is leading to bitterness among ordinary prisoners who feel they have committed lesser crimes in comparison with some of those who have been released. **Mathatha Tsedu** reports:



ANC member Robert McBride gives the thumbs-up sign after his release from Durban's Westville Prison. He was released in terms of an amnesty agreement.

rehabilitation is all about

"We also wonder what political changes are all about because now there are utterances of a bargain between the Government and the ANC on the question of the remaining ANC political prisoners and other cops who have murdered people

"Though the ANC condemned such a proposal, if the Government went through with it, this arrangement is set to exclude common law prisoners who have spent a number of years behind bars while they have committed less horrendous crimes than the released cops

"In the final analysis, one concludes that the treatment meted out to prisoners who have stayed long in prison is not only discriminating but also unfair

"This situation requires a general amnesty for all prisoners in order to benefit a true democratic

South Africa. Although our deeds are not condoned by society, our political plight and dilemma however need the full review and attention of society itself

"The Government is committing daylight fraud against prisoners who in fact did not even vote for them," Modibane concluded

Since this letter was written, more political prisoners, such as Mthetheleli Mncube, Mzondeleli Nondula and mass killer Barend Strydom as well as Malaza, have walked out of the prison gates smiling, while the rest of the Modibanes still languish in there

And as the debate rages on, thousands of black men and women who were forced by the racist laws of this country to kill and steal to survive, languish in jail, hoping against hope for an understanding that would give them a fresh start in life

Freed men urge peace

Own Correspondent

Their sentences were later commuted.

DURBAN. — Two Transport and General Workers Union members, who were released from prison yesterday in the agreement reached by the ANC and the government, appealed for political tolerance among members of different political organisations.

Mr Stanford Ngubo and Mr Johannes Buthelezi were sentenced to death in 1987 for killing Patford Shezi, who allegedly worked as a scab during a Putco strike.

The two denied that they killed Mr Shezi. They claimed that allegations against them were fabricated by witnesses who wanted to get the R5 000 promised by Putco.



RELEASED Mr Johannes Buthelezi and Mr Stanford Ngubo, who were released in terms of the agreement reached by the ANC and the government. Picture PATRICK MTOLO

Move to cut jail numbers

Sowetan 15/10/92
■ **PACKED PRISONS** Plans to release **(253)**

convicts early to ease overcrowding: **(S)**

Sowetan Correspondent **(S)**

HUNDREDS OF PRISONERS are to be moved from the Pollsmoor Prison to the Eastern and Northern Cape and Free State to defuse a crisis caused by overcrowding

About 250 maximum security prisoners in the prison - described by Commissioner of Correctional Services General Willie Willemse as "bursting at the seams" - will be taken to less crowded prisons

Several hundred others from overcrowded Southern Cape prisons will also be moved

At a medal parade at Brandvlei Prison in Worcester today, General Willemse also announced that plans were being made for additional prison facilities in the Western and Southern Cape to hold up to 1 200 prisoners

The occupancy rate of Western Cape prisons was 159 percent and of Southern Cape prisons, 165 percent

He said a programme to wash bedding to curb the spread of lice was being launched at Pollsmoor. These measures were intended to bring short-term relief, he said

"In the longer term, the Department of Correctional Services was convinced a "controlled earlier release programme" was the best option to keep down the overall prison population

It would be done responsibly and would not lead to prisoners convicted of serious offences being freed

The parole system was also being extended. So far, it had an 88,6 percent success rate and was cheaper than conventional punishment

General Willemse painted a grim picture of the effects of life at Pollsmoor where overcrowding often exceeded 100 percent

- Ablution facilities in cells intended for 15 to 18 prisoners were being used by 30 to 40 prisoners

- Prisoners had to sleep on mats

- Single cells were being occupied by more than one prisoner

- Prisoners were forced to have meals in their cells which don't have tables or benches

- Prisoners had insufficient outdoor exercise time

General Willemse said South Africa's prison population of 109 162 exceeded available accommodation by 29 percent

Official: W Cape prisons crowded

(253) CT 15/10/92

Political Staff

HORRENDOUS conditions in Western Cape prisons, including overcrowding well above national averages and lice-infected bedding, were acknowledged yesterday by the Commissioner for Correctional Services, Lieutenant-General Wilhe Willemse

He stopped short of predicting further conflict in prisons in the region, but his review of the situation in prisons indicated major problems

While the official national overcrowding figure is 29%, 24 819 more than the approved accommodation figure of 84 343, the Western Cape Prisons are 158,9% and the Southern Cape 165,4% above the national average

General Willemse, who spoke yesterday at a medal parade at Brandvlei Prison near Worcester, said that at Pollsmoor three prisoners were being accommodated in cells designated for single people

He also said that 250 convicted maximum security prisoners would be moved from Pollsmoor to prisons in Natal and the Eastern Cape

Pollsmoor has been the scene of conflicts between prisoners and the authorities recently

Pollsmoor, General Willemse said, was frequently more than 100% overcrowded and sometimes three people had to be accommodated in cells for one person

Ablution facilities for 15 to 18 prisoners had to be used by 30 to 40 prisoners

General Willemse added that a multimillion rand upgrading project was under way at Pollsmoor

Lack of space meant cells could not be equipped with conventional beds or furniture. A prisoner's bed consisted of at least two sleeping mats and up to five blankets

Prisoners had to have their meals in the cells, which had no tables and chairs

Amnesty Bill likely to draw flak from all sides

^{B10A-1}
^{16/10/92}
PRESIDENT F W de Klerk's controversial Amnesty Bill, which is to come before Parliament for discussion today, is expected to draw flak from most quarters.

BILLY PADDOCK

De Klerk has several times in the past two weeks said he does not care about opposition to his unilaterally going ahead with the legislation to grant amnesty to security and state officials

adjudication by a competent tribunal. In an amnesty policy document released yesterday, the DP emphasises that no person should be allowed to escape disclosure and identification as a perpetrator of a political offence.

The ANC alliance, the PAC, the DP and the Labour Party have all expressed opposition to the Bill.

A general amnesty should not be preemptive of the process of reconciliation but should be a product of such a process, it says "It is inapplicable and inappropriate that the present government should introduce or attempt to invoke amnesty proceedings. Accordingly amnesty legislation should be introduced by an interim government of national unity."

The ANC rejected government's offer to trade off the release of political prisoners for the general amnesty, insisting that only an interim government of national unity should be entitled to grant amnesty in a bid to forge reconciliation.

The DP document notes that every person seeking amnesty would have to be adjudicated by a competent tribunal which would investigate and report on the acts or omissions which led to the offence in respect of which amnesty was sought. "Any person who does not avail himself/herself of the amnesty process and procedures will be liable to criminal prosecution for whatever acts or omissions he or she might be charged with"

It insists that government cannot grant amnesty to its own members and has threatened to reverse the legislation later

De Klerk, after meeting ANC president Nelson Mandela last month, said the legislation would be based on the same principles used in deciding on the release of the ANC's political prisoners.

The DP also proposes that amnesty legislation should make provision for the victims of serious offences and human rights abuses, to be given recognition symbolically and substantially "subject to the resources of the state"

The Bill would provide for full disclosure, to government, of the deeds for which the person was seeking amnesty.

Our Political Staff reports from Cape Town that the DP yesterday proposed that amnesty apply to political offenders only if there was full disclosure and following

UN 'will be impartial in SA'

^{304A}
³³⁶
SIMON BARBER

WASHINGTON - The UN could no longer take sides in SA, a senior UN official told a conference in Washington yesterday sponsored by the pro-ANC Lawyers Committee for Civil Rights under Law.

^{B10A-1}
^{16/10/92}
involved" in a process that had to be conducted by South Africans

receive preferential treatment from the international community because they had a higher "moral claim" than government.

Omayad was involved in setting up elections in Namibia in 1989.

The UN had supported the ANC and PAC at a time when black South Africans could not speak for themselves, but that time had now passed, said UN special political questions director Hisham Omayad

Omayad predicted that there would be "a minimum" of 100 international observers helping to defuse violence in SA by the end of the year, which would include the 50-member UN contingent.

He made it clear that the role of UN agencies like the Centre Against Apartheid, which earlier this week held a session in honour of SA political prisoners, was being downgraded

However, the success of the teams being supplied by the UN, Commonwealth, EC and OAU, did not depend on their numbers, but "on the support they get on the ground", he said

In strong contrast, ANC constitutional expert Dullah Omar suggested that the liberation movements should continue to

He was supported by journalist Allister Sparks, who attributed the root cause of violence in SA to efforts by elements in the security establishment to destabilise the ANC, with at least partial support from President F W de Klerk.

Omayad headed the first team of 10 UN observers sent to SA to monitor mass action in early August, and accompanied special envoy Cyrus Vance and his deputy, Virendra Dayal, on their subsequent missions

KIRCHMAN
DDAEDTIC

Major court bid to free jailed children

DI CAELERS

Weekend Argus Reporter

LEGAL organisations country-wide are planning emergency applications to the Supreme Court in a major effort to get thousands of children out of jail.

People working in the field "have had enough", says Nicro's senior social worker, Ms Rosemary Shapiro. She says the emergency applications are the culmination of a year-long effort to see the children freed.

A Weekend Argus exclusive last week revealed that as many as 4 000 children who had not yet been found guilty of crimes, were being held in South African jails or police cells in harsh and threatening conditions.

These children often had no mattresses on which to sleep, no clean clothes, half an hour's exercise a day and might not have access to social workers or child-care specialists.

Lawyers and social workers claimed the children were assaulted regularly and sodomised.

The Legal Resources Centre in Durban was investigating the issue as a matter of urgency. It would, if necessary, go to the Supreme Court for an order to protect the children, said a spokesman.

Anti-apartheid activist Mr Rowley Arendstein, who is co-operating with the centre, told Weekend Argus the Supreme Court was "the upper guardian of all children in the province" and as such, it should step in.

"No magistrate should be allowed to send children to prison. It's tantamount to setting them up for vicious assault," he said.

Ms Michelle Morris, a lawyer at the University of the Western Cape's Community Law Centre, said it

(253) ARG 17/10/92
"would be fantastic" if a precedent could be set with a Supreme Court action. However, she emphasised that such an application would apply to single children only.

"This is not an immediate solution for the thousands of children being held. A Supreme Court ruling in respect of one child would not apply across the board."

Another legal option, Ms Morris said, was to file against the Department of Correctional Services which "acts as custodians of the children while they are in its care".

"It could be argued that the department has violated its duty to care for the children."

However, she emphasised that such action was "just not enough" and that an immediate push to change present legislation was needed. She said the law allowed children to be in prisons. "It must be repealed."

According to Cape Town's Child Welfare Society, the Justice Department seldom made use of the provision for "the conversion of criminal cases in relation to children to Children's Court Inquiries" in terms of the Child Care Act of 1983, amended in June 1991.

This provision explored whether children "may be returned to the custody of their parents or be declared children 'in need of care'. Later, children will be placed in a foster home, children's home or place of safety."

The controversial question of the safety of children in jails came to the fore again after the recent death in custody in Robertson of 13-year-old Neville Snyman. His cellmates allegedly sodomised him, beat him and ruptured his internal organs when they jumped on his stomach.

FW backs 'bully boys' bill

By Quentin Wilson

SOUTH Africa's security forces "bullied" President FW de Klerk into passing laws that give them amnesty for political crimes so as to "cover their backs" after a political settlement


According to a source inside parliament, the General Amnesty Bill to be debated in this month's special sitting was insisted upon by government securocrats in exchange for their continued support.

"It is all a case of the security forces putting their foot down," says the source "They are telling De Klerk. If you don't cover our backs, we'll take the country down with us."

"There are people in the SADF and SAP who fear that reform will mean prosecution for them. If their fears are not addressed, they will not support the process."

The amnesty is designed to pardon politically motivated crimes and to enforce this through legislation

17/10-21/10/92
The security forces are telling De Klerk:

If you don't cover our backs, we'll take the country down with us'  253

The bill comes in the wake of the Record of Understanding between the government and the ANC which secured the release of political prisoners including Mr Robert McBride.

One difference between that hatched bilateral deal and the proposed Amnesty Bill is the latter's legislative flavour Whereas the Record of Understanding was based on the subjective discretion of the parties involved, the bill will lay out criteria to be made into law.

Why then the need to start legislating amnesty instead of negotiating each case?

A lecturer in politics at the University of the Western Cape, Mr Supho Maseko, says the idea is to

give a firmer reassurance to De Klerk's security forces. Maseko argues that the NP wants to oversee the entire amnesty process before it hands over political power to a democratically elected government that may be less forgiving

Says Maseko: "The NP will push through as many bills as possible that protect the long-term interests of its constituency."

He also said the bill was a show of toughness by De Klerk to placate elements of the NP.

"There is concern that high-ranking members of the security forces know about many political killings. Either De Klerk had to sell out his colleagues or protect them — and he has chosen to protect them."

Meanwhile, the ANC and PAC have balked at the bill. Before the proposed amnesty legislation even hit parliament for debate, they said they would not recognise it.

Speaking outside parliament this week, ANC vice-president Mr Walter Sisulu said "We reject their amnesty law We will continue to insist that the full truth about their criminal activities be exposed for all to see. If they pass this law, we will refuse to recognise it

"Before the apartheid criminals are forgiven, their crimes must be exposed," he said.

The PAC slammed the bill as a "devastating attack on the rule of law" and said "it will survive the defening demand for justice".

"Justice must be seen to be done in the eyes of the victims. Circumstances under which loved ones died must be publicly known and people must be compensated for their losses," according to the PAC

Attack suspects acquitted

(252) ~~251~~

THERE were stunned faces and surprised stares after Vanderbijlpark Magistrate FW Strydom acquitted four youths this week who allegedly almost killed two reporters - *Washington Post* journalist Paul Taylor and *Weekly Mail* reporter Philip van Niekerk - during a stayaway. *CPN*

The trial of the four came after the highjacking of a vehicle the two reporters were in while travelling near Sebokeng on August 3. 18/10/92

The court heard the four allegedly stopped the car, held the two men at gunpoint and took R50 from van Niekerk before shooting him and Taylor.

Pollsmoor 'dirty, too crowded' ⁽²⁵³⁾ monitor

18/10/92
By AYESHA ISMAIL

SITimes [Cape metro]
PRISONERS at Pollsmoor Prison are being held in conditions which fall "well below" internationally recognised standards, says the director of the Prison Project of Human Rights Watch, Ms Joanna Weschler.

The organisation, with headquarters in New York, monitors prisons around the world.

Ms Weschler visited Pollsmoor in August with Ms Alice Brown, vice-chair of Africa Watch, one of the divisions of Human Rights Watch, to monitor conditions under which prisoners were kept.

This week, the Commissioner for Correctional Services, Lieutenant-General Willie Willemsse, admitted at a medal parade at Brandvlei Prison near Worcester that Pollsmoor was severely overcrowded.

Pollsmoor was often more than 100 per cent overcrowded — well above the national average. This had led to lice-infested bedding and ablution facilities meant for 15 to 18 prisoners, having to be used by 30 to 40, he said.

Two hundred prisoners would be transferred from Pollsmoor to other prisons to alleviate the problem. A multimillion rand upgrading project was also underway at Pollsmoor, General Willemsse said.

In an affidavit, which was to have been used in a court application challenging conditions at Pollsmoor, Ms Weschler said these conditions were well below internationally accepted standards in respect of lighting, floor space, standards of bedding, sanitation, ablution facilities, food and general hygiene.

She believed conditions violated sections of the Standard Minimum Rules for the treatment of prisoners and related United Nations resolutions.

When she visited the Maximum Security Prison (Admission) there were 3 192 inmates while the stated capacity was 1 619, she said.

Cells had no beds, pillows or sheets and inmates slept on thin mats.

"Pollsmoor appeared dilapidated and dirty, unlike other SA institutions which were remarkably clean and neat. Cells smelled badly due to overcrowding and uncovered toilets."

Each cell visited had only one shower and one sink.

"In many instances more than 30 men had to share ablution facilities."

Food was served near uncovered toilets.

"The prison is filthy and unsanitary."

"Prisoners at Pollsmoor are, by virtue of being there, punished in a more severe manner than their counterparts in other prisons," Ms Weschler said.

A spokesman for the Department of Correctional Services said this week that a high premium was placed on high standards of hygiene in prisons.

He said the management of Pollsmoor was well aware of the prison's shortcomings and the situation there would be "brought to standard in the near future".

Police death toll at 90

By THEMBA KHUMALO

AT least 90 security force members have died and 137 have been wounded in various attacks on them by unknown people since May, the Human Rights Commission said in its September report.

These casualties resulted from 207 attacks on the security forces.

Although the HRC could not identify the assailants, Karl Zimbiri, a shadowy commander of the PAC's Azanian People's Army (Apla), has threatened to intensify attacks on security forces.

Responsibility

He has previously claimed responsibility for most of the attacks on policemen who were wounded in various incidents countrywide.

Recently the Police and Prisons Civil Rights Union met Apla's high command in Harare where they signed an agreement which would exonerate Popcru members from future guerrilla attacks.

The HRC report further said for two consecutive months - August and September - Natal has topped the violence list, accounting for 45 percent of the country's total.

The report said deaths in the South Coast region dropped from 68 to 45

The East Rand remained a flashpoint with 43 deaths in September while Vaal fatalities plummeted sharply in the same period. The death toll remained at 17 each in Alexandra and Soweto.

At least 11 deaths occurred in police cells in September, bringing the total death toll in police custody to 95 this year.

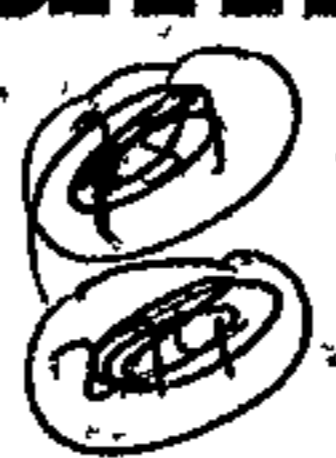
There were 300 prisoners - among them 6 political inmates - awaiting their fate on Death Row. Among them is Jerry Richardson who was convicted for killing Stompie Sepei, a 14-year old activist, and Alex Seheri, an Umkhonto weSizwe cadre who was sentenced for murdering two Soweto residents in 1987.

The report said in September 21 percent of the victims were ANC supporters and 12 percent were IFP supporters or members. The hostels suffered only one death and no injured inmates.

While the first half of September saw a continuation of train attacks, no such incidents were recorded in the last week of the same month. However, since January, 21 women were killed in train attacks and 36 were injured. Three children died and 9 were injured, said the report.

C/P/12 18/10/92

253 last month.



Two die in Peninsula police cells

CT 19/10/92 (253)
Crime Reporter

TWO men died in Peninsula police stations in separate incidents yesterday

Mr Albert Jacobs, 47, was found hanging by his torn T-shirt from the bars of his cell door at Steenberg police station early yesterday.

Police spokesman Major Denise Brand said policemen on duty found the body of Mr Jacobs, who had been arrested for drunkenness, at 2.15am while placing a prisoner in a cell.

Mr Jacobs had been alive when police visited his cell an hour earlier.

An inquest docket has been opened

At Hout Bay police station a 26-year-old man — who cannot be named as his next of kin have not yet been informed — of Mandela squatter camp died in the charge office about 12.30pm yesterday.

“He had been badly beaten by an unknown group of people who accused him of housebreaking. A citizen’s arrest was made at the camp and he was brought to the police station,” Major Brand said.

Policemen on duty at the charge office had telephoned for an ambulance as soon as the man arrived at the police station.

“He suddenly collapsed and died moments before the ambulance arrived,” she said.

Police are investigating a charge of murder.

Man found dead in cell

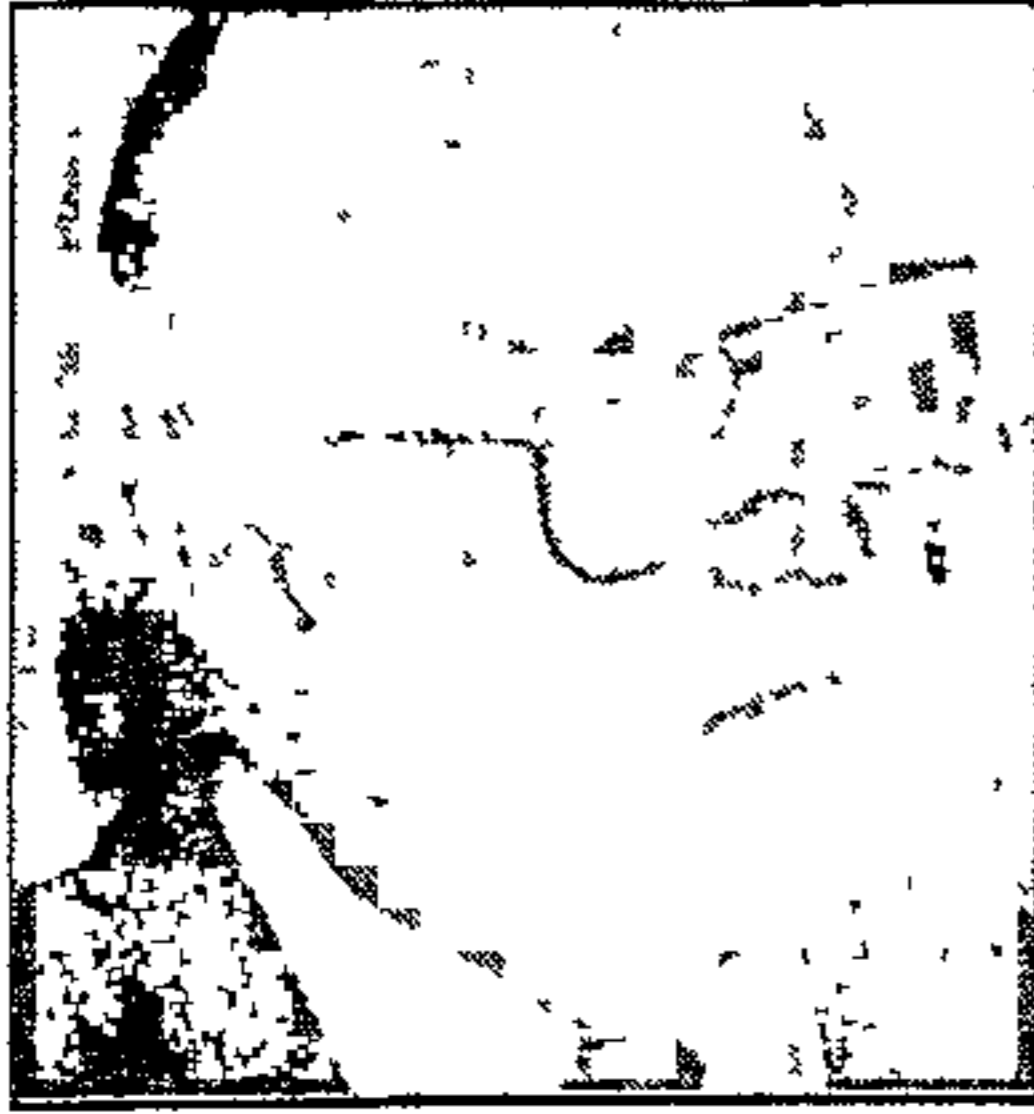
A MAN aged 47 was found dead in a cell at the Steenberg police station in the Cape Peninsula early yesterday morning *Sowetan 17/10/92*

Police said Mr Albert Jacobs who was locked up at 9pm on Saturday to "dry out", had apparently hanged himself with strips of material torn from his T-shirt

Jacobs was visited at 1am yesterday and his body was discovered about an hour later when another prisoner was brought to the same cell

A full investigation is to be held

253



FW de Klerk



Steve Biko



Kobie Coetsee

Killers could 'all be indemnified'

Sowetan 19/10/92

(253)

By Ismail Lagardien
Political Correspondent

NEW POWERS: Bill clashes with act on reopening political inquests:

PRESIDENT FW de Klerk will be given absolute power to pardon State security officials, even Cabinet Ministers, for possible crimes against humanity, including the murder of Government opponents under apartheid

Legislation tabled in Parliament on Friday establishes a National Council of Indemnity, appointed by De Klerk, which will advise the President on who should be granted indemnity from prosecution, without making public details of the crimes committed

While the bill is apparently to release remaining political prisoners, it takes in all political offenders, regardless of their political affiliation

This effectively means that the killers of Mathew Goniwe, Steve Biko, Ahmed Timol and many others could confess to the President and nobody would ever know

This, ironically or conveniently, contradicts legislation tabled in Parliament earlier last week which allows for the reopening of inquests that have been dealt with. This bill is expected to be passed by Parliament this week

The bill further empowers De Klerk to release prisoners serving life imprisonment or long term sentences, without referring to the National Council on indemnity

The President is also given power to grant ex-gratia compensation to victims of political crimes

While the National Council on Indemnity would start working as soon as possible, Coetsee explained that it would only consider crimes committed before noon on October 8 1990 - the original date agreed upon by the government and ANC

The Council will be headed by a judge, all information submitted to it will be privileged and cannot be used in a court of law

Council members and persons attending hearings will have to make declarations of confidentiality

The ANC has interpreted the legislation as an attempt to unilaterally secure an amnesty for State security officials by using the release of prisoners as a

quid pro quo

The Minister of Justice, Mr Kobie Coetsee, said on Friday that the Further Indemnity Bill was not a "general amnesty" and that this could only be done through multiparty negotiation

Coetsee said the reason for the absence of public disclosure of offences for which persons will apply for indemnity was to protect the person in question from self-incrimination

"The legislation tabled last week, the Inquests Amendment Bill which provides for the reopening of inquests "has been tabled just in case someone is found guilty", ANC sources said at the weekend

But then, all they (the guilty) have to do is say they did it, apply for indemnity, and the reopened inquest will be closed," the sources said

The new legislation makes provision for a trial (inquest) to be stopped by the Council, and the accused pardoned through indemnity by the President

(g) wider acceptability,
 (h) flexibility and ability to deal with different and changing circumstances
As Short-term Goals to

Address priority problems that currently exist in the retirement provision field, such as

- (a) Voluntary preservation and transferability,
 - (b) Pension payment problems,
 - (c) The means test,
 - (d) Unemployment benefits,
 - (e) Surpluses in funds,
 - (f) Pensions Ombudsman,
 - (g) Increasing of pensions
- As Interim Goals to*

- (a) Conduct a situation analysis of the existing position dealing with human as well as statistical aspects, including migratory labour,
 - (b) Produce models,
 - (c) Address the issues in the goals,
 - (d) Achieve the widest possible understanding and co-operation
- (2) No,
 (3) To be decided at a later date,
 (4) No

Racism in Police Force

45 Mr M RAJAB asked the Minister of Law and Order

- (1) Whether the South African Police have investigated alleged accusations made by senior Police officers in the media regarding racism in the Police Force at Dundee as far as the use of facilities is concerned, if not, why not if so,
- (2) whether the Police have completed their investigation, if not, why not, if so, what were the findings,
- (3) whether the comments allegedly made in public by a senior officer, whose name has been furnished to the Police for the purpose of the Minister's reply, reflect the

official policy of the South African Police, if so, (a) to what extent are these comments consistent with the recently announced initiatives regarding the credibility of the Police and (b) what is the name of the officer concerned,

(4) whether any steps have been taken in respect of the said officer, if not, why not, if so, what steps,

(5) whether he will make a statement on the matter?

THE MINISTER OF LAW AND ORDER

- (1) Yes
- (2) Yes

Allegations in the media distorted the facts regarding the matter out of proportion

- (3) According to the official policy of the South African Police which is actively applied, all institutions in the Force which make use of State facilities shall be open to members of all population groups
 - (a) Falls away
 - (b) Colonel Moon
- (4) No, in the light of details supplied above
- (5) The South African Police does all in its power to maintain the harmony between the different population groups. No discrimination is tolerated. Remarkable progress has been made in this area and caution must be exercised that the situation is not exacerbated as a result of distorted representations or exaggerations

Juvenile prisoners

46 Mr M RAJAB asked the Minister of Correctional Services

- (1) (a)(i) How many (aa) awaiting-trial and (bb) convicted juvenile prisoners are being detained in gaols falling under his control and (ii) in respect of what date is this information furnished and (b) for what average period are awaiting-trial prisoners detained in gaol before being brought to court,
- (2) whether any juvenile prisoners were released recently in terms of (a) a general

amnesty or (b) any other such concessions, if so, (i) how many, (ii) when and (iii) in terms of what other concessions,
 (3) whether he will make a statement on the matter?

THE MINISTER OF CORRECTIONAL SERVICES

Juvenile delinquency is an alarming worldwide phenomenon which in fact deserves more public attention than it receives in South Africa and in many other countries

In accordance with section 1 of the Correctional Services Act, 1959 (Act No 8 of 1959) a juvenile is any person under the age of twenty-one years

In accordance with section 1 of the Child Care Act, 1983 (Act No 74 of 1983) a child is any person under the age of 18 years

(1)(a)(i)(aa) *Awaiting-trial children*

Younger than 15 years	80
15 but younger than 16 years	114
16 but younger than 17 years	231
17 but younger than 18 years	506
Total	931

Awaiting-trial juveniles (excluding the above mentioned children)

18 but younger than 19 years	1 044
19 but younger than 20 years	1 215
20 but younger than 21 years	1 199
Total	3 458

For the sake of completeness, I refer the hon member to the stipulations of sections 50 and 71 of the Criminal Procedure Act, 1977 (Act No 51 of 1977), which are self-explanatory. To summarise, statutory provision has been made that a probation officer and the parent or guardian of a person under the age of 18 years who has been arrested, must be informed of the arrest. Any arrested person must also be brought before the court within a period of 48 hours, whereafter the court may issue an order for his further detention and determine the date of the next appearance in court

Section 29 of the Correctional Services Act, 1959 (Act No 8 of 1959) stipulates *inter alia* that a person under the age of eighteen years who is accused of having committed an offence, may not be detained in a prison before his conviction unless his detention is essential and no suitable place of detention mentioned in the

Child Care Act, 1983 (Act No 74 of 1983) is available for his detention. In each such case the judicial officer concerned issues a certificate to this effect. When deciding on the suitability of the place of detention, the nature of the offence with which a person has been charged as well as age, sex, character etc are taken into account

A juvenile who is detained in terms of section 29 of the Correctional Services Act, 1959 shall not be permitted to associate with a person over the age of 21 years who is in custody, with the exclusion of a person who has been charged jointly with him, provided that the head of the prison is of the opinion that such association will not be detrimental to him. Juveniles are also separated with regard to age groups where facilities permit

Discussions are regularly held between the Department of Correctional Services, the local magistrates, prosecutors and the South African Police with a view to keeping awaiting-trial juveniles out of prison

(bb) *Sentenced prisoners*

Younger than 15 years	0
15 but younger than 16 years	19
16 but younger than 17 years	94
17 but younger than 18 years	446
18 but younger than 19 years	2 097
19 but younger than 20 years	2 608
20 but younger than 21 years	2 431
Total	7 695

South African courts do have the option to, amongst others, impose prison sentences on juvenile delinquents

Section 21 of the Correction Services Act 1959 (Act No 8 of 1959) states, *inter alia*, that any part of a prison may be used for the detention, treatment and training of juveniles. Existing prisons or parts thereof are therefore set apart when required for this purpose and sentenced juvenile prisoners are transferred to these prisons on a regional basis for detention treatment and training

In regions which do not yet have separate prisons for sentenced juvenile prisoners or where centralised detention has not yet been implemented, they are accommodated in prisons in separate sections or cells as far as possible, and depending on their needs, the

available programmes are also offered to them if feasible

Furthermore, it can be mentioned that the centralised detention of sentenced juveniles in certain regions is a direct consequence of the successes obtained with the youth centres and programmes at Leeuwkop (since 1986) and Pollsmoor (since 1987)

Generally the intention with these programmes is to equip the juvenile with the life skills which could contribute to his successful reintegration into the community after release

The following basic guide-lines are followed

— The achievement of a certain level of education in order to facilitate adaptation into the community. In other words — acceptable norms and values must be acquired

— Education and training as the basis of the programme. Depending on the present level of education, intellectual capabilities of prisoners and the term of sentence it is endeavoured to achieve a specific level of education

— Meaningful utilization of time which is aimed at positive attitude after release

— Maintenance of present social structures to counteract institutionalization and consequently prevent recidivism e.g. the maintenance and strengthening of family ties

— Meaningful realization of religious needs

— Healthy physical development through physical training and care

Should the need arise, the further centralised detention of sentenced juvenile prisoners will be considered at certain centres which are deemed suitable for this purpose

(ii) 31 August 1992

(b) The precise information cannot be provided to the hon member as it is, *inter alia*, not centrally available. There are also various practical problems with regard to the possible recording of such statistics by the Department of Correctional Services. To conclude this point I also refer the hon member to the information supplied by me in reply to question 87 on 26 February

1992 in the House of Assembly (*Hansard* Col 313-314)

(2) (a) No

(1), (ii) and (iii) Fall away

(b) No

(1), (ii) and (iii) Fall away

(3) No, except to refer to the attached press release issued on 21 October 1992 by the office of the Deputy Minister of Manpower and of Local Government, and National Housing in which it is, *inter alia*, confirmed that a special work group was appointed by the Deputy Minister of Manpower and of Local Government and National Housing, Mr G M E Carelse MP, to investigate the question of facilities for the detention of juveniles under the age of 18 years

Deputy Minister takes note of Nicro's report on children awaiting trial

Mr Glen Carelse, Deputy Minister of Manpower and of Local Government and National Housing, said in Cape Town today that the Government is equally concerned about the seriousness of the situation regarding children in detention, of which approximately 4 400 are presently being detained in prison

Mr Carelse was reacting to the report released today in Cape Town which was compiled by the South African National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro), the community Law Centre at the University of the Western Cape and Pietermaritzburg's Lawyers for Human Rights

The Government has for quite some time been concerned about this matter, and as a result an interdepartmental working group was appointed on 17 September 1992 by Mr Carelse. The mandate of the working group is investigate the possibilities of alternative centres and services where youths are being detained. The final report of the working group will be submitted to him by the end of November 1992. The Working Group comprises the following departments

South African Police, Law and Order, Justice, Correctional Services, Administration House of Delegates, Administration House of Assembly, Education and Training, Local Government and

National Housing, National Health and Population Development and the four Provincial Administrations. The private sector will be co-opted by the sub committees of this Working Group

In order to carry out its functions, the working group divided into several task groups, on which the interested parties from the private sector have been co-opted

The task groups will be considered matters such as

— the true figures of children under age awaiting trial,

— alternative services that can be rendered,

— liaison between the role players, and

— legislation

Due to the seriousness of the problem, Mr Carelse has already requested that the working group submit an interim report to him by the end of October 1992. This will enable the Government to consider, if necessary, possible interim steps, even before the final report is published

Mr Carelse said that he welcomes the interests of Nicro in this particular matter. He indicated that the interdepartmental committee will scrutinize Nicro's report, together with other inputs it may receive in preparing its report. He also said that most of the issues addressed in Nicro's report are being dealt with by one of the sub committees of the interdepartmental working group

Mr Carelse has already visited two places of safety in the Transvaal and most of his visits to places of safety in the other provinces have already been scheduled. These visits are a result of his undertaking to acquaint himself with the situation in order to find a suitable solution

Issued by the office of Deputy Minister Carelse
Pretoria
21 October 1992

Contact person Johan Oosthuizen
Telephone (012) 421 1406 (w)
(011) 976 4234 (h)

Own Affairs

Judicial commission of enquiry: representations to State President

38 The LEADER OF THE OFFICIAL OPPOSITION asked the Chairman of the Minister's Council whether he will make representations to the

State President to appoint a judicial commission of inquiry into alleged irregularities and political interference in respect of, *inter alia*, staff appointments, promotions and property allocations in the Administration House of Delegates since 1 September 1989, if not, why not, if so, when does he intend making such representations? D219E

The CHAIRMAN OF THE MINISTERS COUNCIL

(1) No

(2) I do not deem it expedient to make such representations

Telephone usage in Ministerial office/official residence

39 The LEADER OF THE OFFICIAL OPPOSITION asked the Minister of the Budget and Auxiliary Services

(1) Whether he went abroad during 1992, if so, during which periods,

(2) whether his private and/or general telephones in his (a)(i) Ministerial office and (ii) official residence in Cape Town and (b) official residence in Natal were used during the periods referred to in paragraph 1 of this question, if so, what in the case of each of these telephones was the cost of such usage, excluding rental costs? D221E

The MINISTER OF THE BUDGET AND AUXILIARY SERVICES

(1) The Minister went abroad on pilgrimage to Saudi Arabia for the period 15 May 1992 to 15 June 1992

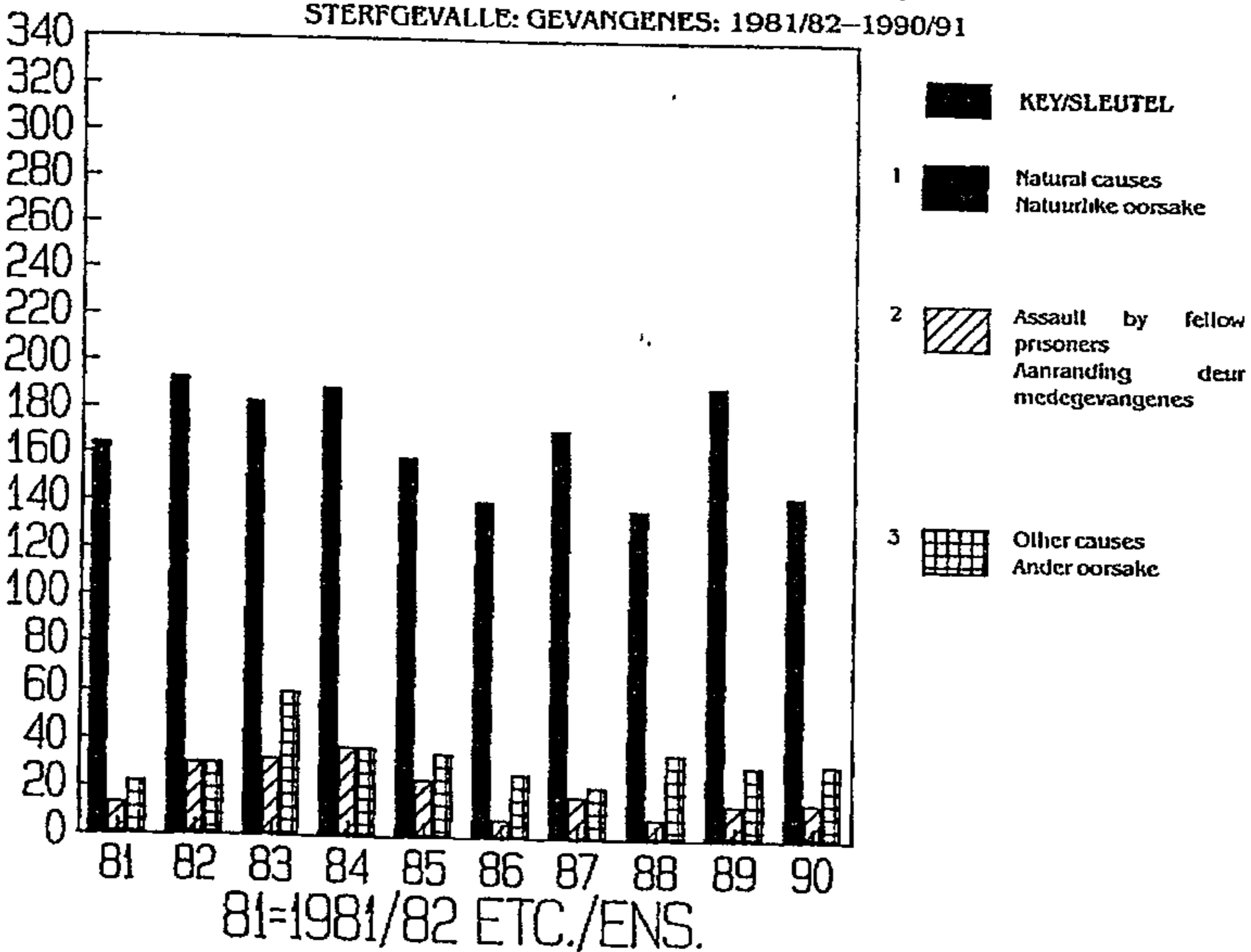
(2) (a) (i) Yes — by the personnel in the Ministry of Budget and Auxiliary Services

Unable to determine actual number of units for the period 15/5/92 to 15/6/92 as the accounts overlap the said period

For information purposes the amounts for the period 8/5/92 to 4/6/92 and 5/6/92 to 6/7/92 are R38,75 and R91,48 respectively

(ii) Unable to determine actual number of units for the period 15/5/92 to 15/6/92 as the accounts overlap

GRAPH 8 • GRAFIEK 8

DEATHS: PRISONERS: 1981/82-1990/91
STERFGEVALLE: GEVANGENES: 1981/82-1990/91

THE MINISTER OF HOME AFFAIRS

(1) and (2)

The Department has brought to my notice that irregularities regarding applications for permits of permanent residence were uncovered during investigations launched by the Department on its own initiative. The Departmental investigations, which are conducted on an ongoing basis, also revealed irregularities with regard to aliens illegally in the Republic, and two instances of alleged bribery regarding temporary residence in the Republic were also confirmed in the process. On 22 September 1992 the Director-general Home Affairs issued a media release on this matter, a copy of which is herewith laid upon the Table. All the investigations into alleged offences as well as the possible prosecution of responsible officials and other persons, are not yet finalised at this stage.

MEDIA RELEASE BY MR PIET COLYN,
DIRECTOR-GENERAL OF THE DEPARTMENT OF HOME AFFAIRS*Irregularities with the issuing of Permits for Permanent Residence to Chinese Immigrants*

Owing to various factors, South Africa has become increasingly popular amongst prospective immigrants from the East during the past year. This is also clearly evident from the large increase in applications from prospective immigrants from this part of the world. Statistics on Chinese immigrants who acquired permanent residence during the past few years, are 1961 to 1987-159, 1988 — 286, 1989 — 460, 1990 — 1 382, 1991 — 1 959, and 1992 (from Jan till Aug) — 1 397.

When considering applications for permanent residence permits from prospective immigrants, South Africa, as any other country, has as its objective that such immigrants must be an asset to the country.

In South Africa the Aliens Control Act (Act 96 of 1991) prescribes *inter alia* that prospective immigrants shall comply with certain requirements to acquire permanent residence in South Africa. These requirements are among other that the prospective immigrant shall be of sound moral character, not have been convicted of any serious offence, and that his occupation shall be as such that it will not influence a South African in that particular class of occupation negatively.

The emphasis is especially on those who can promote private entrepreneurship in South Africa.

Naturally, with the increasing popularity of South Africa as country for immigrants from the East, the number of applications from people who do not meet the above-mentioned requirements, has also increased dramatically. Such applications are naturally refused.

The Department of Home Affairs, which is responsible for the consideration of applications for permits for permanent residence, is aware of and extremely concerned about international contacts which endeavour in a well organised manner to acquire permanent residence permits irregularly for some immigrants who do not meet the necessary requirements.

The Department renders a free service to all prospective immigrants, but immigrants are at liberty to use the services of private immigration agencies to act on behalf of the immigrants concerned.

Recent investigations have revealed that some of these agencies submitted forged documents in support of applications for permanent residence permits to the Department. In this regard for example, forged offers of employment have been submitted to the Department. In some instances the employer does not exist, or the employer concerned is not even aware of the existence of the prospective immigrant. Forged medical certificates also occur frequently in instances of irregularities. Bank certificates of so-called prospective entrepreneurs wishing to bring in capital into the country, are also forged.

It is understood that these agencies require up to R20 000 from a prospective immigrant for a successful application. The financial gain for such an agency in respect of a successful application is quite obvious.

Investigations have been conducted by the Department's special investigations unit which investigates, on an ongoing basis, possible irregularities regarding *inter alia* the issuing of permanent residence permits.

The activities of these agencies, in particular two of which have submitted forged documents to the Department, are being investigated in depth at present. The investigations are in its final stage and criminal proceedings against these agencies

what is the name of this person (b) at which police station does he do duty, (c) on the management of which political party does he serve and (d) under which electoral division does he fall,

- (2) whether he has information on who was present at the meeting at which this person was elected to the management of the political party concerned, if so,
- (3) whether he will make this information public, if not, why not, if so,
- (4) whether the member of the House of Assembly for the electoral division concerned was present at the meeting?

B892E

THE MINISTER OF LAW AND ORDER

- (1) No
- (1)(a) to (4) Fall away

Deaths in detention

397 Mr P G SOAL asked the Minister of Correctional Services

How many persons died while being held by the prison authorities in (a) 1991 and (b) each specified month of 1992 for which statistics are available?

~~253~~ (253)

B893E

THE MINISTER OF CORRECTIONAL SERVICES

- (a) and (b)

I refer the Hon member to tables 7 and 8 on page 51 as well as graph 8 on page 38 of the report by the Department of Correctional Services for the period 1 July 1990 to 30 June 1991 which was tabled during the 1992 Parliamentary session and of which copies are attached for his convenience

Statistics regarding deaths for the period 1 July 1991 until 30 June 1992 are as follows

Deaths Unsentenced prisoners 1 July 1991 until 30 June 1992

Natural causes	18
Suicide	3
Assault by fellow prisoners	1
Other (gunshot wound—gangrene)	1
Total	23

Deaths Sentenced prisoners 1 July 1991 until 30 June 1992

Natural causes	113
Suicide	27
Assault by fellow prisoners	10
Shooting incidents (shot by the traffic police during an attempted escape)	3
Other — 6 suffocate during a fire	
— 1 head injury	
— 1 unknown (inquest outstanding)	
Total	161

~~253~~ (253)

For the sake of perspective it must be mentioned that for the periods 1 July 1990 to 30 June 1991 and 1 July 1991 to 30 June 1992 respectively, 388 238 and 405 964 prisoners were admitted in South African prisons. On 30 June 1991 and 30 June 1992 respectively, there were 89 723 and 107 522 prisoners in South African prisons

All deaths in prisons in respect of which a medical practitioner is unable to certify that the prisoner died as a result of natural causes, are dealt with in terms of section 86 of the Correctional Services Act, 1959 (Act No 8 of 1959). Independent inquests into every case where death is ascribed to unknown or unnatural causes, are instituted in terms of the stipulations of the Inquest Act, 1959 (Act 58 of 1959) and at the same time departmental investigations are also undertaken. Apart from this, the South African Police also conducts independent investigations in cases where the medical officer (under control) of the Department of National Health and Population Development) ascribes the death to unknown or unnatural causes

- (1) A sentenced prisoner from the Brandfort Prison was working in a work team at a school on 23 November 1990. Against the orders of the guard he jumped into the swimming pool and drowned before anyone could save him. The SA Police investigated the case and found that no-one could be held responsible for the prisoner's death
- (2) and (3) Two sentenced prisoners from the Groenpunt Prison went out in a team on 8 May 1991. The vehicle in which they

were travelling stalled on an uphill and the prisoners were requested to push the vehicle out of the road. Whilst in action, a vehicle tried to pass the van and simultaneously a vehicle was coming up ahead, with the result that the other vehicle had to swerve back and hit the two prisoners. The outcome of the police investigation has not yet been received

- (4) A prisoner from the Bethal Prison was one of a team collecting refuse bags next to the roadside on 24 August 1990. The driver of the truck reversed in order to fetch a prisoner in a side street. At this point a prisoner fell out the back of the truck and the truck consequently rode over him. The outcome of the police investigation has not yet been received

- (5) On 27 February 1991 a prisoner from the Groenpunt Prison left in a team to repair a pigsty. Evidently the prisoner stepped over the side of the roof whilst measuring a beam lost his balance and fell. The outcome of the police investigation has not yet been received

- (6) and (7) Two sentenced prisoners left the Leeuwkop Prison on 28 February 1991 in a team to work at the golf course. During a thunderstorm the two prisoners hid under a roof and were struck by lightning. The outcome of the police investigation has not yet been received

- (8) and (9) Two sentenced prisoners were working at the boilers at the Worcester Prison on 27 November 1990. Workers of the Department of Public Works were working on the boilers whilst the prisoners were performing their routine tasks. The boiler evidently exploded and the two prisoners were killed. The matter was handed over to the SA Police for investigation, but no outcome has as yet been received

- (10) A sentenced prisoner from the Losperfontein Prison was burnt to death by steam escaping from a toilet on 28 December 1990. This was a freak accident and was the result of three mechanical faults
 - horns control valve flex
 - cracked coil

— jammed safety valve

~~253~~ (253)

The matter was investigated by the Department of Manpower and also handed over to the SA Police for further investigation. No result has as yet been received

(11) A sentenced prisoner from the Durban Prison died on 9 February 1991. Evidently the prisoner attacked a fellow prisoner. Members of the Department stepped in and hit the prisoner with batons. The matter has been handed over to the SA Police for further investigation. The result of the judicial post mortem is awaited

TABLE 7

<i>Deaths unsentenced prisoners 1 July 1990 to 30 June 1991</i>	18
Natural causes	5
Suicide	2
Assault by fellow prisoners	25
Total	25

TABLE 8

<i>Deaths sentenced prisoners 1 July 1990 to 30 June 1991</i>	126
Natural causes	3
Transport Accidents (2 and 3) (4)	16
Suicide	14
Assault by fellow prisoners	7
Other (5) (6 and 7) (8 and 9) (10) (11)	1
Drowning (1)	167
Total	167

Graph 8 see cols 1611-1612

Permanent residence: bribery/corruption

398 Miss M SMUTS asked the Minister of Home Affairs

- (1) Whether any instances of alleged bribery and corruption in respect of applications for permanent residence have been brought to his or his Department's notice, if so,
- (2) whether any officials of his Department have been (a) investigated or (b) dismissed as a result, if not, why not, if so (i) what were the results of this investigation, (ii) how many officials were dismissed, (iii) what was the nature of their offences, (iv) how many applications for permanent residence were involved and (v) how much money was involved?

1591

Hansard

WEDNESDAY, 21 OCTOBER 1992

Hansard

1592

— Defensibility It is an arm's length approach which precludes manipulation by interested parties.

— Realism It reflects noticeable trends in international markets.

— Simplicity It is simple in principle and readily explicable, and

— Continuity It contains relatively few but flexible elements which minimize frequent revision or renegotiation of the structure and/or its basic principles

During the past 15 to 20 years there were a number of investigations into the possible reviewing of the import parity structure. The results of all these studies indicated the retention of the present system. The actual test always has been the commensurability of South Africa's pre-tax pump price with international fuel prices. The South African pre-tax petrol price compares very favourably with the average of the 12 European community countries.

Petroleum products were traditionally imported into South Africa from export refineries east of Suez. The choice of a basket of refined products from refineries situated in Bahrain and Singapore for the purposes of determining South African fuel prices was made for reasons such as comparable product quality, a structured term supply market and product availability. The import parity principle is used to calculate a realistic international market price paid to the local refineries as an alternative to importing refined product. The landed cost price is in fact an international price and the basis of import parity is generally accepted.

The international market price of 93 octane petrol at the coast has, for example, declined in real terms by 37% from 1980 to 1992, this benefited the South African consumer over the long term. The import parity pricing mechanism, however, does not reflect the increased cost of production of the local refineries which are subject to South African inflation. The import parity principle, therefore, forces the local oil companies to compete on a price basis with other international crude oil refineries and to be as cost efficient as possible.

(a), (b) and (c) Fall away

HOUSE OF ASSEMBLY

1593

Hansard

WEDNESDAY, 21 OCTOBER 1992

Hansard

1594

— cided to release a number of prisoners who were imprisoned for politically motivated crimes, on the following basis

1 The prisoners concerned must have committed crimes with a political motivation

2 Their crimes must have been committed before 8 October 1990, which was the cut-off date

3 All prisoners who fall within this category, are eligible for release, regardless of their political affiliation

(b) He was released in terms of section 69 of the Correctional Services Act, 1959 (Act No 8 of 1959)

(c) Robbery with aggravating circumstances, Murder, Possession of a firearm without a licence, and Possession of ammunition without a licence

(d) For personal gain (this was established after he was released)

(2) Yes The Department of Correctional Services has for internal classification purposes, classified prisoners *inter alia* as security prisoners, security related prisoners, unrest related prisoners etc. A variety of information and evaluations were used in this process of classification

In this particular case there were sufficient information which indicated that he was security related

Information in this regard was exchanged between the Government, the ANC and the Human Rights Commission and in this process Lucky Malaza's name also appeared on the lists of the ANC and the Human Rights Commission

It is a reality that the motive for crimes, especially in cases where the motive could be a further incriminating factor, is not apparent under all circumstances whether during trial or investigation. It should be mentioned that in the past numerous organizations were prohibited and the mere admission of belonging to such

organizations implied further contraventions

As has already been mentioned in media statements, Lucky Malaza's name appeared on various lists of so-called political prisoners. In this regard I refer the Hon member to a list of names which was published in the Weekly Mail of 28 August to 3 September 1992.

(3) The information in (1)(c) *supra* was known to the ANC and the Government prior to the release on 26 September 1992. STATEMENT BY THE GOVERNMENT SPOKESMAN ON THE RELEASE OF PRISONERS WHO HAVE COMMITTED CRIMES WITH A POLITICAL MOTIVATION

It is the Government's position that all political prisoners, as defined in terms of internationally accepted guidelines, were released some time ago in terms of previous agreements. In a spirit of reconciliation and pursuant to agreements reached between the Government and the ANC in preparation for today's meeting between the State President and Mr Mandela, the Government has decided to release a number of prisoners, who were imprisoned for politically motivated crimes, on the following basis

1 The prisoners concerned must have committed crimes with a political motivation

2 Their crimes must have been committed before 8 October 1990, which is the cut-off date agreed to by both the Government and the ANC

3 All prisoners who fall within this category are eligible for release, regardless of their political affiliation

The release of these prisoners will take place on the following basis

1 A first category of prisoners will be released within days in terms of section 69 of the Correctional Services Act. As many as 150 of the prisoners on the list submitted by the ANC fall into this category and have already been released or are in the process of being released. A process of identification of prisoners falling into this category, but with other

Unit Charlie 10 at Vlakplaas' dissolution

381 Dr W J SNYMAN asked the Minister of Law and Order †

(1) Whether the unit Charlie 10 at Vlakplaas is to be dissolved, if not, why not, if so, whether members of this unit have been offered retirement packages, if not, why not, if so, what are the relevant details? B879E

THE MINISTER OF LAW AND ORDER

(1) Yes

(2) The possibility of placing these members in other units, as well as offering individual members retirement packages, is currently under consideration

Lucky Malaza's release from prison

382 Mr D P DU PLESSIS asked the Minister of Correctional Services †

(1) (a) What criteria applied with regard to the recent release from prison of a certain Lucky Malaza, (b) with whose approval was he released, (c) for what offence or offences had he been sentenced to imprisonment and (d) with what objects and/or motives was he found to have committed this offence or these offences,

(2) whether he or his Department received any requests for the said person to be released, if so, from whom or what bodies,

(3) whether he furnished the information asked for in paragraph (1) of this question to these persons or bodies, if not, why not, if so (a) when and (b) on what occasion?

B880E

THE MINISTER OF CORRECTIONAL SERVICES

(1) (a) In this regard I refer the hon member to the Statement dated 26 September 1992 by the Government spokesman on the release of prisoners who have committed crimes with a political motivation

In a spirit of reconciliation and pursuant to agreements reached between the State President and Mr Mandela, the Government has de-

political affiliations, is also now taking place

- 2 A second category, those who are serving life sentences, do not qualify for remission of sentence in terms of section 69 of the Correctional Services Act. They will be released, after a process of identification, before 15 November 1992, in terms of legislation which the Government will present to Parliament during the forthcoming short session in October. The proposed legislation will deal equitably with all those prisoners who qualify and whose release can make a contribution to reconciliation.

Certain prisoners in this category will however, within days, be released on parole on certain conditions. In such cases the parole conditions will be cancelled in the event of Parliament passing the above-mentioned legislation.

In addition to the above-mentioned cases, the Government will submit further legislation to Parliament to enable it to address the cases of persons who have committed similar offences, but who have not yet been charged or sentenced, in keeping with the Government's position that they should be dealt with on the same basis.

The Government has, in this regard, been guided by the following considerations

- 1 All prisoners and offenders who fall in this category should be treated on the same basis, regardless of their political affiliation
- 2 The Government's action in releasing these prisoners does not signify condonement of the crimes which they committed—many of which were atrocious and morally inexcusable
- 3 However, the Government has, throughout, accepted that national reconciliation and a comprehensive political settlement, will require that the slate should be cleaned with regard to all persons who have committed crimes with a political motivation. Only on this basis can the book finally be closed on the conflict and bitterness of the past
- 4 Whatever steps are taken should be taken properly and in accordance with the law

would be required to be licensed in terms of the Nuclear Energy Act. Such approval or licensing would be contingent on the establishment of a comprehensive emergency plan, approved by the Council. Such plans as a matter of course require consideration of all potential exposure pathways.

- (2) The Department has been informed by the Japanese government that several routes are being considered and a decision on the actual route will only be taken at a later stage. The ship will undertake a non-stop voyage from France to Japan. It has been indicated that the intention is not to pass through any territorial waters except those of France, Japan and possibly Britain. According to information received from the Japanese government, the ship will traverse neither the economic zone, nor the territorial waters of South Africa.
- (3) No

Ships entering exclusive economic zone/territorial waters: permit

385 Mr J H MOMBBERG asked the Minister of Transport

- (1) Whether a permit is required for a ship to enter South Africa's (a) exclusive economic zone and (b) territorial waters, if not, why not, if so, (i) by whom is it required, (ii) subject to what conditions is it issued and (iii) what specifications are contained in such permits in respect of (aa) normal and (bb) emergency conditions,
- (2) whether the Japanese government or agency responsible for a proposed shipment of plutonium to be transported from France to Japan has lodged an application for such a permit, if so, (a) when and (b) in what manner,
- (3) whether such a permit was issued to the said government or agency, if not, why not, if so, (a) when, (b) for what reasons and (c) subject to what conditions,
- (4) whether he will make a statement on the matter? B8833E

The MINISTER OF TRANSPORT

- (1) (a) and (b) Yes, under certain circumstances

(b) (i) An application for a permit must be made to the Council for Nuclear Safety in terms of the Nuclear Energy Act, No 92 of 1982, and the International Atomic Energy Agency Regulations in respect of nuclear powered vessels or vessels carrying nuclear substances on board requiring to enter the South African territorial waters

- (ii) Safety conditions laid down by the Council for Nuclear Safety
- (iii) (aa) and (bb) Specifications laid down by the Council for Nuclear Safety
- (2) No
- (3) No, an application was not lodged
- (4) News releases have already been issued by the Minister of Home Affairs and of Environment Affairs and the Council for Nuclear Safety. A further news release will only be issued if and when circumstances and the public interest warrant it and after consultation with the other government institutions that have an interest in the matter

Release of prisoners on political grounds

387 Mr L FUCHS asked the Minister of Correctional Services

- (1) Whether any prisoners have been released from gaol on political grounds in 1992, if not, what is the position in this regard, if so,
- (2) whether he will furnish information on the prisoners so released, if not, why not, if so, (a) what are their names, (b) for what offence or offences was each such prisoner convicted, (c) what sentence was imposed in each case, (d) on what grounds was each prisoner released and (e) in respect of what date is this information furnished? B8855E

The MINISTER OF CORRECTIONAL SERVICES

- (1) Yes
- (2) (a), (b), (c), (d) and (e)

The evaluation and possible release of prisoners who committed crimes with political motivation in terms of the decision by the Government on 26 September 1992, is conducted by a joint committee. Information which was submitted to this committee included information which also served before the Consulting Body and the Indemnity Committee and the principle of confidentiality which was applied there is now also being applied. Therefore, it is not considered advisable to provide the information as requested by the Hon member.

In general I can also refer the Hon member to the Statement by the Government spokesman dated 26 September 1992, which *inter alia* deals with the release of prisoners who have committed crimes with political motivation (see reply to Question No 382)

Handing over of land to Ciskei

388 Mr P G SOAL asked the Minister of Regional and Land Affairs

- (1) Whether approximately 12 000 hectares of land in the Chalumna area south-west of East London had been handed over to Ciskei by January 1989, if so,
- (2) whether, at that stage, approximately 8 000 hectares of the above tract of land were owned by the South African Development Trust and the remaining land was to be acquired as soon as possible, if not, what was the position in this regard, if so, (a) which farms constituted the land owned by the Development Trust and (b)(i) which farms were subsequently acquired by the Development Trust to make up the remaining approximately 4 000 hectares, (ii) at what total cost and (iii) in respect of what date is this information furnished,
- (3) whether any of the farms making up the above 12 000 hectares, or portions thereof, have been disposed of, if so, (a) to whom, (b) at what price and (c) for what purpose?

B888E

The MINISTER OF REGIONAL AND LAND AFFAIRS

- (1) No. The so-called Chalumna area consisting of ± 12 000 ha would initially have been incorporated into the Ciskei in terms

of a bilateral decision. Certain factors have had the effect that the Government had decided not to incorporate the area into Ciskei, as originally decided, but that the area would be kept as part of the RSA for the purposes of settlement of the Imidushane Tribe under Chief Jongilanga

- (2) and (3) Fall away

Citizen of Ciskei appointed as chief

389 Mr J J WALSH asked the Minister of Regional and Land Affairs

- (1) Whether a certain citizen of Ciskei, whose name has been furnished to the Minister's Department for the purpose of his reply, was appointed as a chief in accordance with Notice 80 of 1990 published in the *Government Gazette* on 9 February 1990, if not, in terms of what statutory provisions and/or regulations was this person so appointed, if so, (a) why was he appointed and (b) what is his name,
- (2) whether the said notice has been amended since it was published in the *Gazette*, if so, (a) why and (b)(i) in what manner and (ii) to what extent?

B887E

The MINISTER OF REGIONAL AND LAND AFFAIRS

- (1) Yes
- (a) The person referred to was appointed as chief after a formal request was received from the Imidushane tribe
- (b) Doyle Mpubhe Jongilanga
- (2) No
- (a) and (b) Fall away

Issuing of identity documents: Johannesburg

390 Mr P G SOAL asked the Minister of Home Affairs

- (1) How many (a) identity documents had been issued by the (i) office of the regional representative and (ii) district representatives of his Department in Johannesburg since the referendum on 17 March 1992, and (b) applications for identity documents remained to be final-

ized, as at the latest specified date for which information is available,

- (2) whether there is any delay in the issuing of identity documents in Johannesburg, if so, (a) why and (b) what is the extent of the delay,
- (3) whether he will consider opening the offices of the district representatives in Johannesburg on Saturdays in order to deal with any applications for identity documents, if not, why not, if so, when?

B888E

The MINISTER OF HOME AFFAIRS

- (1) (a) (i) 25 597
- (ii) 66 050

As at 19 October 1992

- (b) There is no backlog. Applications are forwarded daily to the Department's Head Office in Pretoria for processing
- (2) No
- (3) The Department is continuously endeavouring to look after the needs of its clients, and it is also striving to arrange its office hours, whenever possible, in accordance with the needs of the public. In the light of the afore-mentioned, the Department is of the opinion that, also with due consideration of limited funds, the stage has not yet been reached to open the offices concerned for longer hours in the week, or on Saturdays, or to open more sub-offices in the Witwatersrand

Imidushane Tribal Authority, development of villages

391 Mr J A JORDAAN asked the Minister of Regional and Land Affairs

- (1) Whether, with reference to a statement made in September 1990 by a certain regional representative of the former Department of Development Aid, whose name has been furnished to the Minister's Department for the purpose of his reply, any villages were developed or are being developed on State-owned land in the vicinity of the Imidushane Tribal Authority that used to be owned by the South African Development Trust, if not, what

is the position in this regard, if so, (a) how many villages are involved, (b) where is each situated or to be situated and (c) what is the name of the above regional representative,

- (2) whether the development of these villages has been completed, if not, why not, if so, when, in each case,
- (3) whether it is the intention (a) to develop these villages further, (b) to extend the area covered by the Imidushane Tribal Authority to include these villages and (c) to build more villages, if so, what are the relevant details in each case?

B889E

The MINISTER OF REGIONAL AND LAND AFFAIRS

- (1) (a) The Department of Regional and Land Affairs is not in possession of the statement issued by the Regional Representative, East London, of the former Department of Development Aid. The development referred to entails eight (8) residential areas (villages) which have been planned and which villages are being developed in the so-called Chalumna Area. The residential areas, with rudimentary services, are not proclaimed townships and are being developed for the settlement of members of the Imidushane Tribe and farm labourers employed on projects in the Chalumna Area allocated to the said tribe
- (b) The residential areas are situated in the allocated Chalumna Area, in extent approximately 12 000 hectares
- (c) The former Regional Representative referred to, is presumably Mr C L Atwell

- (2) No, the development takes place continuously according to available funds for the Chalumna Development Project
- (3) (a) Yes, the development of the residential areas and the provision of rudimentary services take place continuously
- (b) Yes

- (c) No

The MINISTER OF POSTS AND TELECOM-MUNICATIONS

- Yes
- (1) (a) 2 697
- (b) and (c) 2 360
- (ii) 3 543 of the waiting applicants will be provided with service during the current financial year. The demands of a further 1 286 waiting applicants will be met during the 1993/94 financial year. Telkom is awaiting confirmation of the required dates of installation from the remaining 228 waiting applicants.

Persons in police custody deaths

370 Mr P G SOAL asked the Minister of Law and Order (253)

How many persons died in police custody in (a) 1991 and (b) each specified month of 1992 for which statistics are available?

B868E

The MINISTER OF LAW AND ORDER

As the concept "died in police custody" can be more widely construed than just persons who have died in police cells, and various factors such as natural causes, suicide, injuries sustained before arrest, etc also play a role, and because I do not wish to anticipate the outcome of the investigation as a result of Dr Gluckman's representations, it will be a mis-perception if only a single figure is given

Broadcasts of Codesa 2 sponsorship

- 371 Adv J S PRINSLOO asked the Minister of Posts and Telecommunications (253)
- (1) Whether Telkom sponsored the broadcasts of the proceedings at Codesa 2, if so, (a) what was the total amount of the sponsorship and (b) by means of what media were the broadcasts made,
 - (2) whether Telkom received any (a) financial and/or (b) other benefits from this sponsorship, if so, what is the (i) nature and (ii) extent of each of these benefits?

B869E

The MINISTER OF POSTS AND TELECOM-MUNICATIONS

- (1) Yes,

not, why not, if so, (a) what are the full names of each of the prisoners, (b) of what offence or offences was each convicted and (c) what are the details in regard to each of these offences?

B870E

The MINISTER OF CORRECTIONAL SERVICES

- (1) and (2)(a), (b) and (c)

If the hon member is referring to the formal agreements between the ANC and the Government at Groote Schuur on 4 May 1990 and Pretoria on 6 August 1990 as well as the guidelines for defining political offences in South Africa (Government Gazette—7 November 1990) which emanated from the mentioned agreements, the reply is yes

As regards the issue of the release of political prisoners according to the mentioned agreements, the Government's position is that all political prisoners have been released considerable time ago in terms of the agreements and in terms of the following guidelines as published in Government Gazette No 12834 of 7 November 1990

- "(i) The motive of the offender, i.e. whether the offence was committed for a political motive (e.g. to further or oppose the aims of a political organization, institution or body) or for a personal motive
- (ii) The context in which the offence was committed, in particular whether it was committed in the course of or as part of a political uprising or disturbance, or in reaction thereto
- (iii) The nature of the political objective (e.g. whether to force a change in the policy of or to overthrow or destroy the political opponent)
- (iv) The legal and factual nature of the offence, including its gravity
- (v) The object and/or objective of the offence (e.g. whether it was committed against the political opponent or his property, or directed primarily against private individuals or property, or was committed on the assumption that a particular cause, governmental or otherwise, was being served)

(vi) The relationship between the offence and the political objective being pursued, e.g. the directness or proximity of the relationship, or the proportionality between the offence and the objective pursued

(253)

(vii) The question whether the act was committed in the execution of an order or with the approval of the organization, institution or body concerned"

However, it soon became clear that there were also other prisoners who committed crimes with a political motivation. This became one of the stumbling blocks which hampered constitutional negotiations. In a spirit of reconciliation and pursuant to agreements reached between the Government and the ANC in preparation for the meeting between the State President and Mr Mandela on 26 September 1992, the Government decided to release a number of prisoners, who were imprisoned for politically motivated crimes, on the following basis

- 1 The prisoners concerned must have committed crimes with a political motivation
 - 2 Their crimes must have been committed before 8 October 1990, which was the cut off date agreed to by both the Government and the ANC
 - 3 All prisoners who fall within this category, are eligible for release, regardless of their political affiliation
- It was decided that the release of these prisoners would take place on the following basis
- (Quoted from the Statement dated 26 September 1992 by the Government spokesman on the release of prisoners who have committed crimes with a political motivation)
- "1 A first category of prisoners will be released within days in terms of section 69 of the Correctional Services Act. As many as 150 of the prisoners on the list submitted by the ANC fall into this category and have already been released or are in the process of being released. A process of identification of prisoners falling into this category, but with other political affiliations, is also now taking place
- 2 A second category, those who are serving life sentences, do not qualify for remission of sentence in terms of section 69 of

the Correctional Services Act. They will be released, after a process of identification, before 15 November 1992, in terms of legislation which the Government will present to Parliament during the forthcoming short session in October. The proposed legislation will deal equitably with all those prisoners who qualify and whose release can make a contribution to reconciliation. Certain prisoners in this category will however, within days, be released on parole on certain conditions. In such cases the parole conditions will be cancelled in the event of Parliament passing the above-mentioned legislation.

In addition to the above-mentioned cases, the Government will submit further legislation to Parliament to enable it to address the cases of persons who have committed similar offences, but who have not yet been charged or sentenced, in keeping with the Government's position that they should be dealt with on the same basis.

The Government has, in this regard, been guided by the following considerations:

- 1 All prisoners and offenders who fall in this category should be treated on the same basis, regardless of their political affiliation.
- 2 The Government's action in releasing these prisoners does not signify condonement of the crimes which they committed—many of which were atrocious and morally inexcusable.
- 3 However, the government has, throughout, accepted that national reconciliation and a comprehensive political settlement, will require that the state should be cleaned with regard to all persons who have committed crimes with a political motivation. Only on this basis can the book finally be closed on the conflict and bitterness of the past.
- 4 Whatever steps are taken should be taken properly and in accordance with the law. In this regard it has consistently been the Government's view that special legislation would be required for the release of certain categories of prisoners and that the use of the State President's powers *inter alia* that of pardon in terms of section

253 6(3)(d) of the Constitution would not be appropriate in such cases."

I quote from the Record of Understanding between the State President and the President of the ANC dated 26 September 1992:

"(c) The two parties are agreed that all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released. The Government and the ANC agreed that the release of prisoners, namely, those who according to the ANC fall within the guidelines defining political offences, but according to the Government do not, and who have committed offences with a political motive on or before 8 October 1990 shall be carried out in stages (as reflected in a separate document Implementation Programme Release of prisoners) and be completed before 15 November 1992. To this end the parties have commenced a process of identification. It is the Government's position that all who have committed similar offences but who have not been charged and sentenced should be dealt with on the same basis. On this question no understanding could be reached as yet and it was agreed that the matter will receive further attention.

As the process of identification proceeds, releases shall be effected in the above-mentioned staged manner. Should it be found that the current executive powers of the State do not enable it to give effect to specific releases arising from the above identification the necessary legislation shall be enacted."

It must be emphasised that the Government indicated from the outset that it prefers to obtain authorisation from Parliament for what is clearly an extraordinary action.

The evaluation and possible release of prisoners who committed crimes with a political motivation in terms of the decision by the Government on 26 September 1992, is conducted by a joint committee. Information which was submitted to this committee included information which also served before the Consulting Body and the Indemnity Committee and the principle of confidentiality which was applied there are now also

253 being applied. Therefore, it is not considered advisable to provide the information as requested by the Honourable Member.

087 telephone services: total amounts paid

373 Mr W U NEL asked the Minister of Posts and Telecommunications:

- (1) Whether he will furnish particulars in respect of the total amounts that have been paid by Telkom to service providers of 087 premium rate telephone line services in respect of moneys due to such service providers for the use of their facilities by telephone subscribers, if not, why not, if so, what amounts were so paid in each specified month since the inception of these services,
- (2) whether Telkom (a) has requested or (b) has been furnished by service providers with (i) percentage or (ii) monetary breakdowns in respect of the monetary value of charges for the various categories of services, if so, (aa) what are these categories of services and (bb) what are the relevant particulars, if not,
- (3) whether Telkom will require such breakdowns before considering any continuation of the premium rate service beyond the expiry date of the initial trial period on 31 December 1992, if not, why not, if so, what steps does he intend taking in this regard?

B871E

THE MINISTER OF POSTS AND TELECOMMUNICATIONS

- (1) No. Telkom SA entered into a contract with each individual Service Provider and income accruable to these Service Providers for calls made to their specific services by telephone subscribers, is treated as confidential information and cannot be divulged without their permission. The total income paid to Service Providers is however not regarded in the same light and according to the latest available information such income totals R230 137 940 for the period 15 October 1991 to 30 August 1992.

- (2) (a) No
- (b) No
- (1) Falls away (aa) Falls away

(ii) Falls away (bb) Falls away

- (3) Telkom will not require financial breakdowns of the categories of services from the various Service Providers as Telkom is aware of the call patterns made to the different categories and of the services that are causing concern. Telkom will take steps to ensure that only information services that will not cause a public outcry or are not damaging to the company's image will be permitted when consideration is given to the possible continuation of a premium rate type telephone service.

Income tax assessments in arrears

374 Mr D H M GIBSON asked the Minister of Finance:

- (1) How many income tax assessments are in arrears in respect of each tax year from 1983 up to and including 1991,
- (2) whether any objections remain to be dealt with in terms of section 81(4) of the Income Tax Act, No 58 of 1962, if so, (a) how many and (b) (i) when and (ii) in respect of which tax year was each such objection lodged,
- (3) (a) how many cases were pending before the income tax special court as at the latest specified date for which figures are available and (b) to which tax years do they relate,
- (4) when is it anticipated that the backlog of (a) assessments, (b) objections and (c) cases will be eliminated?

B872E

THE MINISTER OF FINANCE

- (1) The number of returns of income received and for which assessments must still be issued, are as follows:
- | | |
|--------|---------|
| 1983 — | 300 |
| 1984 — | 509 |
| 1985 — | 1 030 |
| 1986 — | 2 169 |
| 1987 — | 4 700 |
| 1988 — | 10 189 |
| 1989 — | 21 105 |
| 1990 — | 48 223 |
| 1991 — | 133 078 |

In addition to the above-mentioned cases there are cases where the income tax

Man shot in cell (253)

A POLICEMAN shot and killed a prisoner in a police cell at Orkney, in the Western Transvaal, on Tuesday night. *Gouwen 22/10/72*

Police yesterday said the policeman had been suspended.

A spokesman said an argument broke out between the two men while the constable and a colleague were visiting the cell. There were seven other prisoners inside.

The policeman is facing a murder charge and is expected to appear in the Klerksdorp Magistrate's Court this week.

Lucky's release: Govt considers its options

ET 22/10/92 Political Staff

253

THE government was considering various options to deal with the mistaken release of convicted bank robber Lucky Malaza, President F W de Klerk said last night.

"I don't think a decision in that regard will take too long," he said at a press conference.

The controversial Further Indemnity Bill, which is to be referred to the President's Council after it was rejected yesterday by the House of Delegates, did not cover the release of people like Malaza, he said.

Malaza, who was convicted and jailed after the robbery of a bank in Mowbray in which a policeman was killed, was released after the signing of a Memorandum of Understanding between the government and the ANC on September 26.

He later admitted that his crime had no political motive.

Indemnity Bill 'not a blanket amnesty'

BIDMY 22/10/92.
CAPE TOWN — The objective of the Further Indemnity Bill was not to institute a total blanket amnesty but to help existing procedures for people to qualify for indemnity, Justice Minister Kobie Coetsee said yesterday.

He was speaking shortly before Parliament rejected the Bill in government's second humiliating defeat of the session.

Introducing the second reading debate on the Bill, Coetsee said it represented a broadening of existing procedures and principles.

A new feature was that it enabled a court of law to refer a person on trial to the National Council on Indemnity. This would bring about a considerable saving in time and money.

The Bill's provisions would ensure that all people were treated equally.

The Bill arose directly from the record of understanding reached between government and the ANC on September 26.

President F W de Klerk was not prepared to use his powers to release people unless Parliament endorsed such an action, he said.

Coetsee said the Bill was "no more than a mechanism to regulate the indemnity process which had been begun two years ago". It provided for a proper mechanism to release prisoners and to cater for those who had not yet been arrested.

The latter category included four members of Inkatha, two of the former CCB, one of the AWB and 325 of the ANC.

(252) (300)
The Bill broadened the criteria whereby a person qualified for indemnity.

Referring to amendments proposed by opponents of the Bill, Coetsee said it was the government's intention to introduce a further Bill.

Parties would be able to study and debate this Bill fully.

It was clear that the ANC was interested in indemnity only for its own members, and not in reconciliation, Deputy Justice Minister Dami Schutte said during yesterday's debate.

The ANC had accepted earlier indemnity legislation because it favoured it, but it rejected the present Bill because it benefited others. "I would submit that is not reconciliation. You cannot have one rule for the ANC and one rule for other people."

Government had shown its honest intentions to open up government by appointing the Harms and Goldstone commissions and changing the Inquest Act to allow inquests to be conducted by judges.

The Bill was "clear proof of the integrity of the State President" and could not be equated with criminal intention.

A total of 9 300 people had been indemnified to date, of whom 173 had received personalised indemnity. The rest were indemnified by category.

The indemnification procedure that would be followed under the new Bill would be exactly the same.

The names and events for which indemnity was being granted would be published in the Government Gazette — Sapa.

Policeman kills

prisoner in cell
ORKNEY — A policeman shot dead a prisoner in a police cell here on Tuesday night.

Western Transvaal police said the assistant constable had been dismissed and was facing a murder charge.

A spokesman said the two men had been arguing. Seven other prisoners were in the cell at the time — Sapa

Gunmen fire on commuters

JOHANNESBURG — Six people were wounded when gunmen fired on commuters at the Eldon station in Germiston on Tuesday.

In Kaitleng a man died when he was thrown from a train.

In Khayelitsha, shots were fired at a police vehicle and a home.

ANC man held on arms charge

MARITZBURG — The ANC's chairman at Ntshakhe has been arrested for the illegal possession of firearms.

Mr Solomon Mzole 60, was first arrested in 1990 for the illegal possession of two handguns and an AK-47 rifle, but the charges were withdrawn when the docket was stolen from court.

Police rebuilt their case and arrested him yesterday — Sapa

Top police appointments announced

Staff Reporter

MAJOR-GENERAL Nick Acker, the Western Cape's regional police commissioner is to retain his post in a nation-wide shake-up.

Police yesterday released the names of 16 brigadiers who will be promoted to the rank of major-general on December 1.

Two of the new major generals will serve as deputy-regional police commissioners under General Acker. They are Brigadier H M du Toit and Brigadier N S Snyman. Brigadier Du Toit will be head of community policing in Cape Town and Brigadier Snyman will retain his present post.

A police spokesman said Brigadier Du Toit was the current commanding officer of the police academy in Graaff-Reinet and Brigadier Snyman headed the Crime Combating and Investigation Unit for the Western Cape region.

Included in the list of promotions are South Africa's first black police generals.

Major-General M S Tsoka will become a deputy regional commissioner and head of community relations in the Witwatersrand division, which serves Soweto.

Major-General M Chetty will serve as head of community relations at police headquarters in Pretoria.

Boipatong: Hostel man tells of havoc

CT 22/10/92

VERENIGING — A Kwamadala Hostel resident yesterday told the Goldstone Commission here how he and a heavily armed group of about 250 other hostel residents cut a path of havoc and destruction in Boipatong on the night of June 17 when more than 40 people were killed.

The resident identified only as "Mr C", is in protective custody under the Criminal Procedure Act. He was released from the attorney-general's office to attend yesterday's hearing.

Mr C told the commission that the group, armed with sticks, knives, spears and shields, entered Boipatong and attacked people and destroyed property.

He said the group scattered into smaller groups once they entered the township. He saw no guns but heard gunshots once they were in Boipatong.

His group of about nine people had not hurt anyone but vandalised the homes and property of Boipatong residents.

Mr C admitted seeing a man from another group emerging from a house holding a "blooded knife" which he realised must have been used to kill someone. He denied being affiliated to any political group and said he had not been aware of the group's intention when they left the hostel.

'Armed group hit at people and property'

Mr C said he did not see any members of the South African Police or any police vehicles in the township during the attack. He saw a number of the attackers carrying goods such as television sets and radios back to the hostel. These were later set alight and burned.

They began to run when someone shouted that the police were coming. They returned to the hostel and retired to their rooms.

The commission earlier heard from another witness, an SAP special constable, that members of the Vereeniging Internal Stability Unit (ISU) prevented the Sebokeng municipal police from trying to arrest Kwamadala Hostel residents on the night of the massacre.

Special Constable Dan Monare told the commission that on the night of June 17 he ran to the Boipatong police station to report the attack.

Neither the Boipatong police nor the Vereeniging ISU had armoured vehicles and could not enter the township. It was then arranged by radio that Sebokeng South municipal police would send a Casspir which travelled through the township.

Mr Monare said he joined the municipal police in the back of the Casspir. By this time there was no sign of the attackers. He told the commission that the Casspir then headed in the direction of Kwamadala Hostel.

On the way, South African Defence Force soldiers joined them, saying they had seen a large armed group crossing the road in the direction of Kwamadala.

Major-General J M Manuel will be the head of community relations in Natal.

A police spokesman said Brigadier Manuel, a former station commander at Mitchells Plain police station, will take up his post in Durban next year.

Police Commissioner General Johan van der Merwe said other structural changes to the police force, announced earlier, would be effective from December 1.

City bus strike ends: 130 workers reinstated

CT 22/10/92

Staff Reporter

THE two-month-old Golden Arrow Bus strike was resolved yesterday after four weeks of mediation.

Of the 221 striking workers 130 were reinstated with a final written warning valid for six months and 49 were given retrenchment packages.

The remainder, who had not found work elsewhere, were put on a preferential waiting list, said a spokesman representing the Transport and General Workers Union, the Transport and Omnibus Union and Amalgamated Woodworkers Society.

The flashpoint of the strike came when Golden Arrow Bus Services brought criminal charges against three employees for malicious damage and stealing property.

The men had used the company's buses without permission to visit dealers and rally support for safety measures in their jobs.

These charges were dropped during the course of the strike.

The 221 workers were dismissed when they failed to obey a court interdict forbidding employees to "instigate, incite or take part in a strike or interfere with or disrupt the company's services", a statement from the management said.

The workers' demands for safer working conditions had been implemented and drivers were issued with bullet proof vests, the union spokesman said.

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KEEPS JOB
Nick Acker

Clinton's carrot and stick for SA

WASHINGTON — If Mr Bill Clinton of Arkansas becomes the next president of the United States, he is likely to pursue a carrot-and-stick policy toward South Africa.

The carrot is a programme of aid and investment incentives to boost the economy once SA has a fully democratic government.

The stick is the maintenance of state and local sanctions in the United States — one of the main reasons why American corporations are reluctant to invest in SA — as well as continued restrictions on SA access to International Monetary Fund resources.

Mr Clinton, currently leading President George Bush in the polls for the November 3 election, outlined his policy on SA in a recent issue of the American magazine Africa Report.

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Civil servants warn govt

By PETER DENNEHY

THOUSANDS of civil servants have issued a blunt warning to the government that it will face "severe disruptions" if it fails to respond positively to employee concerns over staff reductions.

Administration minister Dr Org Marais's press secretary said he would respond today.

Mr J A Louwrens, co-ordinator of a group of 11 unions and associations with a total membership of about 300 000, said they were demanding a moratorium on staff reductions until they were consulted. Among the organisations are the Public Servants' League and the Health Workers' Union.

Mr Louwrens said letters had been written to government ministers to protest against "the way the government has announced and applied its intention of reductions with a total membership of about 300 000, said they were demanding a moratorium on staff reductions until they were consulted. Among the organisations are the Public Servants' League and the Health Workers' Union.

Mr Louwrens said letters had been written to government ministers to protest against "the way the government has announced and applied its intention of reductions with a total membership of about 300 000, said they were demanding a moratorium on staff reductions until they were consulted. Among the organisations are the Public Servants' League and the Health Workers' Union.

Children in jail: State 'concern'

Political Staff

253
FRG 23/10/92

THE government was concerned that 4 400 children were in prison, Deputy Minister of Manpower and Local Government Mr Glen Carelse said.

He was reacting to a report which said the government was spending close to R100 million a year to keep children in prison.

The report, compiled by the South African National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro), University of the Western Cape Community Law Centre, and Maritzburg's Lawyers for Human Rights, was released in Cape Town yesterday.

Mr Carelse said government had for some time been "concerned about this matter"

He had appointed an inter-departmental working group on September 17 to investigate the possibility of alternative centres to detain youths.

The working group would submit its final report by the end of November.

But because of the "seriousness of the problem" he had asked the working group to give him an interim report by the end of this month.

Mr Carelse welcomed Nicro's interest.

Call to review prisons

ACT 23/10/92

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THE government should move fast to create a formal justice system for juveniles or society would pay the price for a new generation of criminals

This was the message from Nicro, Lawyers for Human Rights and the Community Law Centre who jointly released a report at the University of the Western Cape yesterday on the abysmal conditions children endure in prison or in custody awaiting trial.

It was disclosed yesterday by a Department of Correctional Services spokesman that there are 4 300 youths under the age of 21 in prisons, awaiting trial.

Several recommendations were made by the organisations, including a call that all children held in prisons and police cells be released into the care of parents, guardians or places of safety before December

● The government had for some time been concerned about "the seriousness of the situation of children in detention" and had recently appointed an inter-departmental working group to investigate their plight, Deputy Minister of Manpower, Local Government and National Housing Mr Glen Carelse said yesterday — Staff Reporter, Sapa

No safe haven for the caged children

VUYO was arrested while waiting for a train to take him home to Khayelitsha after finishing his Saturday morning job in a supermarket

Until then, life was going well for the 17-year-old. He was coping with his Standard Eight schoolwork and he had his job. Suddenly, he was handcuffed and thrown into the back of a police van.

After two nights in police cells, Vuyo appeared before a magistrate. Bail of R100 was set but he was unable to contact his parents. His case was remanded and he was sent to Pollsmoor Prison to await trial.

He and two other youngsters were put in a crowded cell where they were slapped and kicked and forced to

Thousands of children languish in prison and police cells awaiting trial. A new report calls for a radical revision of the law, reports
GAYE DAVIS

dance for their cellmates. The next night, and every night until his mother finally traced him five days later and paid his bail, Vuyo was repeatedly raped by older men in his cell.

He was warned about the fate of another prisoner, who was beaten to death by his cellmates when he report-



Child prisoners at Pollsmoor Prison suffer abuses. Photo: GUY TILLIM. Vuyo said nothing. Aids test was negative. When Vuyo finally appeared in court on a theft charge the magistrate threw the case out of court. Vuyo was the victim of false arrest. But his life had changed forever.

Traumatised by the rapes, he turned into "a different person". The sexually transmitted disease flared up again and again. He did not return to school.

Vuyo is not his real name, but his story is true. There are thousands of Vuyos in police and prison cells in South Africa — children who have not been found guilty, yet who are being kept in conditions where they are exposed to violent assault or worse.

Recently, a 13-year-old Robertson boy, Neville Snyman, died in the town's prison after his cellmates allegedly sodomised him, beat him and ruptured his internal organs after jumping on his stomach.

The plight of children like Vuyo and Neville form the focus of a report released in Cape Town this week, which calls for the urgent reform of the juvenile justice system.

Far from promoting the rehabilitation of young offenders, says the report, the system is racially discriminatory, results in the abuse of children's rights and "creates, shapes and hardens juvenile delinquents".

The report is based on information gathered by Michelle Morris, of the Youth Advocacy Unit at the University of the Western Cape's community law centre, Rosemary Shapiro, a senior social worker at the National Institute for Crime Prevention and the Rehabilitation of Offenders (Nicro) in Cape Town, and Ann Skelton, who runs Lawyers for Human Rights' juvenile justice project in Pietermaritzburg.

The Department of Correctional Services says there are between 9 000 and 12 000 youths under 21 currently awaiting trial in prisons. The figure excludes those children being held in police cells, or those convicted of crimes who are serving their terms in jail because there are no places for them in other institutions.

They are there because the law allows for children to be imprisoned if there is no room for them in a registered place of safety or their parents and guardians can't be traced.

But Shapiro says places of safety are under-used in the western Cape, some are running at only 40 percent occupancy. "Up to six different state departments can be involved in the incarceration of children and there's no co-ordination between them. Also, facilities are still segregated: there are many more places available for white children." Children as young as nine will be kept with others aged 21.

"We're not calling for a general amnesty for children in jail," said Morris. "What we are saying is that the police and correctional services are violating their duty of caring for these children."

"We want non-government organisations (NGOs) working with children to be granted immediate access to all children in police and prison cells so that we can trace their parents or guardians and try and get them relocated."

"We also want attention paid to setting up emergency children's court or juvenile court hearings where monitors can be present to help children get lawyers to represent them. It's estimated that more than 90 percent of juveniles appearing in magistrate's courts are unrepresented."

Often, police attempts to trace parents are thwarted by the children themselves, who give false addresses, or by suspicious communities reluctant to give information. But NGO workers face no such difficulty.

"The report is aimed to intercede on behalf of the children to ensure that the government does not fail once again to adequately assess and respond appropriately to the problem. We believe it is not necessary to hold children in prison and that no child should be caged."

●A government-appointed special working group recently set up to investigate the detention of youths under 18 is expected to report on its findings by the end of the year.

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Surprise witness nails Staal

W/Mail 23/10 - 29/10/92

Breakthrough testimony at the Webster inquest and new information about a smuggling network have placed former CCB chief Staal Burger under close scrutiny.

By **EDDIE KOCH**
and **JACQUIE GOLDING**

FORMER Civil Co-operation Bureau (CCB) chief Staal Burger played a key role in the assassination of David Webster, a surprise witness told the inquest court this week.

His testimony, which came as an unexpected breakthrough in the drawn-out investigation into the 1989 murder of the former Wits academic, will place Burger's political and other activities under close scrutiny next week.

Freelance reporter Johannes Gagiano, who described himself as a close friend and confidante of Burger, testified that Burger had passed on an order from senior military officers that Webster be killed and had helped plan the operation.

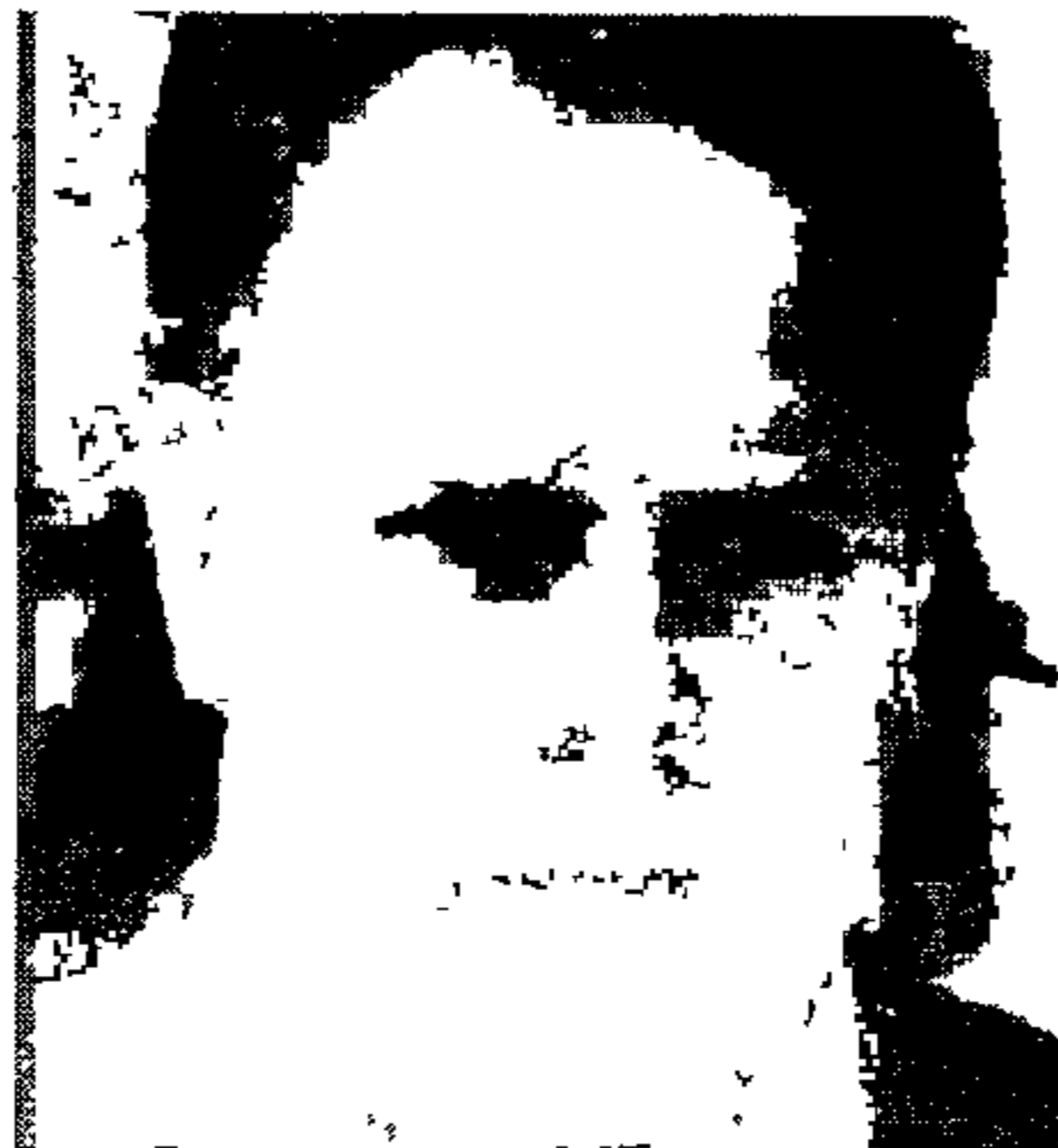
Gagiano said Burger had informed him that three ex-CCB members — Ferdi Barnard, Slang van Zyl and Chappie Maree — were responsible for gunning down Webster outside his Troyeville home on May 1 1989.

Meanwhile, *The Weekly Mail* has obtained new information that Burger was linked to a network of smugglers, who brought weapons, ivory and rhino horns from Mozambique across the border in northern Natal and into Johannesburg, at the time of Webster's killing.

Webster was busy with academic research in the region of Kosi Bay, one of the conduits for these smuggling operations. Investigators are looking into the possibility that he was slain because he was tramping on the toes of people involved in covert political and criminal operations in the region.

Included are allegations that the smuggled weapons were destined for use in clandestine political operations against opponents of the South African government, while the ivory and rhino horns were used for private gain. Policemen and military intelligence agents are alleged to have been involved in the network.

Today Namibia policeman (Jumbo) Smit testifies in court and will deal with questions



Ferdi Barnard



Staal Burger

regarding Burger's alleged role in the murder of Windhoek lawyer Anton Lubowski.

Last month, *The Weekly Mail* was prevented from publishing details of secret meetings Burger was holding with policemen and former CCB operatives in his office at the Breakers Hotel in Johannesburg.

Burger obtained a Supreme Court interdict against the newspaper after the ex-CCB man found an electronic surveillance device that was being used to probe allegations of police involvement in illegal activity and that former CCB members were involved in criminal operations as well as "privatised" third-force schemes.

Gagiano testified this week that Burger had informed him in January 1990 that the police would never catch the Webster murderers,

since the order for the assassination came from senior-ranking officers within the South African Defence Force allegedly supported by the South African Police.

There was a stunned silence in the court as Gagiano described Burger as having been the middle man involved in the planning of the murder, standing between those who gave the orders and those who carried them out.

There was no doubt in his mind that Burger had played an active role in the planning of the murder, he said.

Describing the killing, Gagiano said Burger had told him that Maree sat at the back of the car, on the left-hand side, and fired the fatal shot.

Gagiano also alleged that Barnard, Botha and Maree were possibly backed up by the SAP, as a police vehicle and a standard police shotgun and ammunition were used for the assassination.

Gagiano said he and Burger had been friends for 12 years and that Burger had been a source of valuable and infallible information. The information had always been "100 per cent correct", he said.

The court also heard that Burger had travelled to Namibia, using Gagiano's name, at the time of the murder of advocate Anton Lubowski.

Earlier this week, Johannesburg advocate Martin Luitingh testified that the day after Webster's assassination Barnard had informed his cousin, Laffras Luitingh, that he had murdered Webster.

Laffras Luitingh was Barnard's CCB handler at the time, Martin Luitingh said. His cousin had also told him that Barnard was being used as a freelancer, and that CCB managing director Joe Verster did not like Barnard because he often talked about his activities and assignments.

Barnard might have killed Webster in an effort to secure a permanent place in the CCB, the court heard. General Jaap Joubert, a member of the team investigating Webster's death, said suggestions to this effect had been made by former CCB chairman General Eddie Webb and Brigadier "Krappies" Engelbrecht.

But during interrogation, Barnard had said that he was being framed for a murder he did not commit and that he was being made a "scapegoat", Joubert added.

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When going to jail is illegal

By BAFANA KHUMALO

THE Prisons Act is alive and haunting journalists. This is what *Weekly Mail* photographer Kevin Carter discovered last week when he and two others were convicted of contravening the Act.

Carter, British reporter Graham Harvey and prisoners' rights activist Robbie Lombard faced four charges under the Act and one common-law charge. The four charges under the Act were unlawful entry into a prison area, photographing a prison installation, talking to a prisoner without permission and photographing a prisoner. The common-law charge was that of trespass.

The charges arise out of an incident earlier this year when the three entered Leeuwkop Prison to investigate claims that arms were being manufactured in the prison workshop.

After being convicted on two of the five counts in the Randburg Magistrate's Court, Carter and Lombard were this week sentenced to a R1 000 fine or a six-month prison term, half of which was suspended for three years.

Sentencing Carter, magistrate ST Bezuidenhout, took into consideration that he was acting under the instructions of his editors; that this was his first offence, that he could not afford to pay a heavy fine, and that his intentions were noble rather than criminal.

Reacting to his conviction, Carter said: "It is unbelievably ironic that I should end up with a criminal record for entering a prison illegally."

A warrant was issued for the arrest of Harvey, who has returned to London.

Free children by Christmas, says report

(253)
AUG 24/10/92

DI CAELERS

Weekend Argus Reporter

CHILDREN awaiting trial in prisons and police cells should be freed by Christmas as part of a drive to get South Africa's welfare, justice and police systems house in order.

That is the hard-hitting message of a report, *Justice For The Children. No Child Should Be Caged*, released this week by the Community Law Centre of the University of the Western Cape, Nicro and Lawyers for Human Rights

The fact that a government report on the controversial issue would take months to prepare was just not good enough and was "a cruel slap in the face" for all the children being held in prisons and police cells, and for their families, said the report

Further, the report accused the government of ignoring "organisations that have been actively engaged in research and advocacy in these areas" when it formed a special investigative committee recently to look at the issue

The *Justice For The Children* report is the result of a year-long effort by the three organisations to seek justice. Its release follows a Weekend Argus exclusive two weeks ago that revealed that thousands of children, who had not been found guilty of crimes, were being held in South African jails and police cells in harsh and threatening conditions

The question of the safety of children in jails came to a head following the recent death in the Robertson prison of 13-year-old Neville Snyman

His cellmates allegedly sodomised him, beat him and rup-

■ No child should be jailed, says a hard-hitting report aimed at getting children awaiting trial freed by Christmas.

Legislation demand for children in jails



How Weekend Argus broke the story.

tured his internal organs when they jumped on his stomach

Last week, Weekend Argus revealed that legal organisations country-wide were planning emergency applications to the Supreme Court, as the prior guardian of all children, to get them freed

At a Press conference to present the report, Ms Michelle Morris, project director of the Youth Advocacy Unit of UWC's Community Law Centre, called on the government to comply with the following demands

■ An immediate assessment of the number, ages, gender and charge of all children currently held awaiting trial or placement in prison,

■ Access to the children for all organisations that can provide services and work together to locate suitable places for them,

■ The parents or families of these children, often not even aware they are being held, must be contacted and guaranteed immediate and unconditional access to the children,

■ All children awaiting trial must be given emergency trials, either in court or in prison, to determine whether they are, in fact, children in need of care,

■ Petty offenders should be moved to places of safety immediately, and

■ Legal representation for the children must be provided

Ms Morris explained that the children needed to be taken away from the criminal justice system and returned to communities "We need to provide services to the communities so that they can take care of their children.

"We want to look forward to more prevention programmes and the creation of a justice system specially for children," she said.

According to the report, the welfare, justice and police systems in South Africa were "in blatant contravention of international and African human rights standards" and had violated their duty, as temporary guardians of the children, to care for them

The report said the government spent close to R100 million a year keeping children in prison. More than 9 000 children — awaiting trial and placement in prisons and those already convicted — were being held at an estimated cost of R30 each a day

Many of the children were arrested on "spurious or trumped-up charges or simply because they are homeless", it said, adding that only an estimated five in 1 000 children were actually charged with a serious offence.

The majority of children were "in need of care and should not be held in prison or police cells"

One young boy, identified only as Nico, told a Press conference he had spent four months in Pollsmoor "for doing nothing"

"Just because we sleep outside, the police come and pick us up for nothing. They took us to the mountain and threw us in a dam, then told us we must walk back. They also sprayed us with teargas," he said

Ms Morris said children who were homeless or who had committed petty offences were treated in the same manner as dangerous adult criminals and were sometimes held in the same police cells while waiting to appear in court

Slipping into anarchy

STimes 25/10/92

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LLOYD VOGELMAN says the government, by releasing prisoners, has shown that it is insensitive to the fears South Africans experience about crime and violence

THE Department of Correctional Services' announcement that it is to release more non-political prisoners is bewildering. While understanding the need to lessen overcrowding in prisons, the release of more criminals is likely to take South Africa further into the realm of anarchy and brutality.

The release of criminals would be understandable if there was evidence that the incidence of crime was decreasing in South Africa. But the crime statistics for January-May 1992 make sad reading. Compared with the overall figures for 1991, there has been an increase in every major crime with the exception of small decreases in car theft and house-breaking.

According to the figures, we are now averaging 52 murders a day compared with the average 40 murders per day last year. Serious assaults, and armed robbery have also shown increases. There are, on average, 374 serious assaults and 135 armed robberies a day in South Africa.

Unfortunately these tragic figures do not tell the whole story since thousands of such offenses go unreported.

It is of concern that the Department of Correctional

Services can speak with such confidence about its success in rehabilitation and its administrative capability of supervising released offenders when its past record and the more recent bungled release of convicted bank robber and murderer, Lucky Malaza, shows the opposite.

Furthermore, even if the Department of Correctional Services' dubious claims that it has an 88 percent success rate in rehabilitation are correct, the effect of the release of these prisoners conveys a number of disturbing and destructive messages to South Africans.

The first is that the government is insensitive to the daily fears that South Africans experience about crime and violence. Given the incidence of crime and the furore over the release of criminals in 1991, it is incomprehensible that the government permits the further release of individuals who have in some way damaged the lives of other South Africans.

The second is it conveys to the victims of crime in South Africa that the trauma of their experience is not taken seriously. Victimisation involves loss, either physically or psychologically. Given the

absence of any substantial programmes of victim aid in South Africa, victims of crime are mostly expected to cope with their sadness, fear, loss of dignity and the financial cost of crime by themselves.

The one sphere that victims of crime have come to partly rely on the government for is retribution. The early release of prisoners negates this.

It says to the victim that his or her offender only has to suffer limited negative consequences for the trauma and pain for which he or she is responsible.

Furthermore, it encourages the perception that the only means to satisfactorily obtain justice is to do it informally or outside the criminal justice system. In so doing, we create a cycle of informal retribution and revenge that is difficult to control and contain.

Third, the release of prisoners undermines the morale of law enforcement and criminal justice agencies. The arrest and conviction of any offender takes a great deal of time and effort. The early release of prisoners inevitably raises the question in the minds of such officials as to what the purpose of

their work is. There are already serious problems with policing in South Africa.

Reduction in morale will further hamper police efforts in reducing crime and amplify the daily criticisms levelled at the police.

Finally, the early release of prisoners informs potential criminals that the consequences of any offence need not be too deleterious. Given the fact that a primary deterrent of crime is the possibility of imprisonment, the early release of prisoners can serve only to heighten the incidence of violence and crime in South Africa.

If there is to be any reduction in crime, not only are we in need of democratic political solutions, socio-economic development, a co-ordinated anti-crime programme and a well-trained, non-partisan and community-oriented police force, but also a social system which breaks the confidence of criminals and potential offenders and indicates to the survivors of crime that they have not been forgotten.

Lloyd Vogelman is the director of the Project for the Study of Violence at the University of the Witwatersrand.

Lawyer

refused access to clients in prison

S. Times [Cape metro], 25/10/92

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By AYESHA ISMAIL

A LAWYER was unable to bring an urgent application concerning conditions in Pollsmoor Prison in the Cape Town Supreme last week after she was refused access to her clients.

Ms Yasmin Shehnaaz Meer, who works for the Legal Resources Centre, said she was unable to hold final consultations with six prisoners in terms of "Prison Regulation 123". The head of the prison claimed that in terms of this regulation, prisoners had to write letters requesting legal consultation before a lawyer was allowed to see them.

But the Prisons Act contains no such clause and Ms Meer had already been allowed access to the prisoners on five previous occasions.

The application, against the Minister of Correctional Services, the Commissioner of Correctional Services and the commanding officer of Pollsmoor, was being sought on behalf of prisoner Alawn Kent Matthews and eight other prisoners.

After holding five consultations with her clients at Pollsmoor, Mrs Meer said, she was notified that three of them had been transferred to other prisons.

On September 17, when she attempted to hold a final consultation with the men be-

fore bringing the application, she was refused permission to consult with them.

"I received a letter from Brigadier J C Roberts saying that none of the prisoners that I consulted with previously, had applied in the prescribed manner in terms of Prison Regulation 123," she said.

Brigadier Roberts also said he regarded the matter of prison conditions as finalised as the findings of an investigation conducted by two advocates had already been placed before a judge.

"He also stated that my clients were no longer interested in consulting with me," Ms Meer said.

The investigation was ordered by Mr Justice Lategan on May 27 this year after two men appearing before him on criminal charges had complained about conditions in the prison. He instructed two advocates acting as pro deo counsel for the men to investigate their claims on his behalf.

The Judge made no finding on the report and did not grant any order relating to it and, in Ms Meer's opinion, the matter was accordingly never finalised by him.

By stipulating that a letter had to be written as a precondition to a legal consultation, Brigadier Roberts is acting ultra vires, Ms Meer said.

In spite of lengthy discussions with prison authorities requesting permission for her to see her clients, so that they could personally terminate her mandate, she was still not allowed to see them.

On September 24 she received a letter by post from Mr Matthews from Pollsmoor Prison, stating that he wished to proceed with the application.

"I faxed the letter to the prison and a visit to my client was confirmed."

"When I visited Pollsmoor last week to consult with my client, I was told he had been transferred to another prison in the Transvaal," Ms Meer said.

A spokesman for the Department of Correctional Services said "it happens from time to time" that prisoners are transferred for various reasons.

He said he was not prepared to comment on Ms Meer's allegations, as he "does not have all the facts".

Ms Meer was free to discuss the matter with the Commissioner of Prisons.

By THEMBA KHUMALO

THE "Big Five" gang has unleashed a reign of terror on prison inmates with the help of high-ranking prison officers at Modderbee Prison in Benoni, a letter smuggled out by a group of concerned prisoners claimed this week.

The letter said that medical officers also refused to take injured victims to hospital after they had been assaulted by gang members.

"We appeal to our mothers and fathers, our leaders and their organisations, to help us before they lose us," the concerned prisoners pleaded.

Lt-Col BH Eksteen of the Department of Correctional Services acknowledged the existence of prison gangs but denied that they worked with the authorities.

Inmates terror of gang control

He said. "The existence of gangs in the community is a reality and it comes as no surprise that such activities also exist in prison. The Department of Correctional Services is fully aware of this

"Any allegations that certain groups are favoured are false

"The letter contains generalisations and in the absence of direct allegations we have no further comment."

Eksteen added that the

department was willing to investigate.

However, South African Prisoners Association president Golden Miles Bhudu said the prisoner's claims were true.

He said while he was serving a prison term at Modderbee he witnessed assaults on other prisoners by the "Big Five" gangsters with the assistance of senior officers.

"Helpless young boys fell victim to the gang's sodomy practices," he said.

Miles said the gang was well known for spying on fellow prisoners and passing on information to the authorities in return for favours.

He also said their gang emblem was a swastika and they greeted one another by raising an open palm - Nazi style.

Toasters gang runs wild after breaking free

By ELIAS MALULEKE

THE third batch of members of the notorious and dangerous "Toasters" gang of Thembisa bolted from their police cells this week while awaiting trial.

This is the third such incident in less than three months since police swooped on the mob in August.

The crack police unit known as "Delta Force" is working around the clock in a bid to recapture the thugs who conducted a reign of terror in the East Rand township.

This time the four escaped from the Kempton Park police cells by cutting the cell bars with a hacksaw.

Late in August, 13 gang members escaped from custody by overpowering two policemen. Nine others made their getaway last month from the Olifantsfontein police cells - also by cutting the cell bars.

Police liaison officer Capt Ida van Zweek said on Friday that there were 28 members of the Toasters still in jail following the re-arrest of three gang members who escaped from the Olifantsfontein cells.

She said two gang members were found murdered in the township, leaving only four Olifantsfontein escapees still unaccounted for.

The four Toasters and a fifth man, who was being held in connection with robbery, escaped from the Kempton Park police station between 3 am and 4 am on Wednesday, sending

Residents claim police assisted in their escape

more shockwaves through Thembisa.

The Toasters were being held in connection with over 200 cases, including numerous counts of alleged assault, rape, robbery and at least 20 counts of murder.

The Toasters have been terrorising Thembisa residents, shebeen owners and motorists for the past two years.

On their arrest police confiscated semi-automatic 9 mm pistols, AK-47s and R1s.

It's alleged the gang have been using the Vusumuzi hostel, an Inkatha stronghold in the township, as their hideout.

The gang is known for allegedly raping women in shebeens while patrons watched, forcing women to bath in tubs filled with beer and then making the men drink the filthy beer.

Residents are now accusing police of being casual in their dealings with the dangerous criminals. They claim some policemen are working with the gang and helped them to escape.

Residents are supported by Japie Mokwebo, the editor of a local newspaper, who has also demanded to know why the gang members, who are

known by the police to be daring and ruthless, were being held in ordinary police cells and not in jails with maximum security.

Mokwebo has in the past been threatened with death for carrying reports about the activities of the thugs by callers claiming to be members of the Toasters.

Van Zweek said residents who have information about any policemen having connections with the gang should come forward because these were serious allegations.

"If any policemen were found to have assisted the gang in any manner whatsoever, the police would not hesitate to take appropriate action," Van Zweek said.

Van Zweek said a total of 34 gang members were arrested by police in numerous raids after the arrest and subsequent escape of the 13 gang members from the Thembisa police station cells.

She said as a result of the re-arrest of some gang members who had escaped from police custody in Olifantsfontein, there were 28 Toasters in jail and the police were hunting for others still on the loose.

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Cop shoots inmate due for release

WHEN a young Orkney father was arrested for possession of dagga, little did his family realise he was on a journey of no return. (253)

Paul Pule Khosana, 29, was shot dead this week inside his cell by an assistant constable following an alleged argument over a key.

Khosana, the father of an eight-year-old daughter, was supposed to have completed his prison term on November 1.

Const Thomas Moeketsi was dismissed following the incident. *CPN 28/10/92*

Moeketsi who, like the deceased, resides in Orkney's Kanana Township, appeared briefly in court this week charged with murder.

He was not asked to plead and was granted R250 bail and will appear again on October 28.

The dead man's father, Francis Khosana, said the news of his son's death shocked the whole family.

"This brutal incident occurred barely 12 days before my son was to be released from his cell," said the distraught father.

Khosana will approach Lawyers for Human Rights to assist with legal action.

Khosana, who is unemployed, said his son will be buried this weekend, depending on the availability of funds.

6 on death row for 'political crimes'

By BARRY STREEK
Political Staff

SIX people are on death row after being convicted of crimes committed for politically-related reasons, according to the Human Rights Commission

These are among the 100 political prisoners whom President F W de Klerk wants the board, to be appointed under the Further Indemnity Bill, to consider before the November 15 deadline agreed with the ANC in the Record of Understanding

The HRC said in its latest report that there were 302 people on death row at the end of September, but the death sentences imposed on four prisoners had been altered on appeal to terms of imprisonment

Although it said it considered eight of the death row prisoners to be there for politically-related reasons, it only named six

One of the six, Mkhusele Mdepha, was sentenced in August 1988 for the murder of an ex-policeman and his wife in an incident which occurred

ET 27/10/92
after the president of the Middelburg Residents' Association in Middelburg, Cape, was set alight.

Two others, Nzimeni Danster and Monwabisi Khundulu, were Cradock Youth Congress members sentenced to death in October 1989 for the murder of a couple on a farm in Cradock

Another two, Gamlakhe Ngwegewe and Lindemna Dada, were sentenced in Cape Town in March 1991 for the murder of two Azapo members in March 1990. Zenzile Mbotshwa was sentenced in May 1991 for the murder of a mine overseer at the President Steyn Gold Mine in the Free State during a National Union of Mineworkers strike

The HRC also said 57 people were being detained under the Internal Security Act at the end of September, as well as an additional six in Bophuthatswana and 76 in Ciskei

It added it had recorded deaths of 11 people in the police custody during September and this brought to 97 the total number of people who had died in the custody of the police in the first nine months of 1992.

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It added it had recorded deaths of 11 people in the police custody during September and this brought to 97 the total number of people who had died in the custody of the police in the first nine months of 1992.

Natal 'ready to explode'

CF 27/10/92

Own Correspondent

JOHANNESBURG. — Spiralling violence in Natal, where more than 30 people were killed at the weekend, was threatening to explode into a major conflagration, observers warned.

Inkatha warned yesterday it might withdraw from the national peace accord and Natal unrest monitor Ms Mary de Haas said the province was "a volcano waiting to erupt".

Members of the Kwazulu police and Internal Stability Unit have been moved into the area in great numbers and placed on full alert to prevent a possible revenge attack following the weekend's violence.

President F W de Klerk made an impassioned plea yesterday to ANC president Mr Nelson Mandela and Inkatha leader Chief Mangosuthu Buthelezi to meet as soon as possible to find solutions to the violence among their supporters.

Mr De Klerk said incidents such as the weekend's massacre posed "a threat to the negotiation process".

He said the Goldstone Commission would be asked to investigate

the latest massacre.

ANC spokesman Mr Carl Niehaus said the ANC would support a meeting between Mr Mandela and Mr Buthelezi only if it could be shown that this would lead to peace.

Violence monitor Ms De Haas, an anthropologist at the University of Natal, said she had received reports of an increase in paramilitary activity in Natal.

She believed a "third force" was behind the violence. This was borne out by reports of security forces infiltrating bands of armed youths, who claimed to be acting on behalf of the ANC.

Inkatha's Mr Humphrey Ndlovu said the ANC was bent on smashing Chief Buthelezi's constituency.

The national peace accord was "useless and toothless" and Inkatha would have to abandon it unless the ANC jettisoned its "policy of making SA ungovernable".

Inkatha national chairman Mr Frank Mdlalose and church officials yesterday visited the scene of the Mpushini Reserve massacre where 20 people died on Saturday.

Hundreds to be freed soon

CF 27/10/92

Own Correspondent

JOHANNESBURG. — Hundreds of political prisoners from a range of political parties will be released in shortly as part of a deal brokered at last month's summit of ANC and government leaders.

Correctional Services spokesman Lieutenant Bert Slabbert said a government committee was consulting political parties, including the ANC, to identify prisoners for release by November 15.

A list of 542 political prisoners was still to be audited in consultation with the government, ANC spokesman Mr Carl Niehaus said yesterday.

Human Rights Commission spokesman Mr Safoora Sadek said the HRC had an unaudited list of 266 political prisoners but it was up to the government to make sure none of them were common criminals. Lt Slabbert said all 149 prisoners, including murderer Lucky Malaza, released in September, were being "re-evaluated" to ensure they were all genuine political prisoners.

Malaza, who was imprisoned for killing a policeman during a bank raid, was accidentally released along with the political prisoners.

The HRC said 57 people were being detained in terms of the Internal Security Act at the end of September. It had recorded the deaths of 11 people in police custody during September, bringing to 97 the total number of people who had died in police custody in the first nine months of 1992.

Jobson's

Major court initiatives to ease overcrowding

ROGER FRIEDMAN, Staff Reporter

BOLD new steps are being taken by magistrates' courts in the Peninsula to ease overcrowding in prisons and rehabilitate juvenile, first-time and petty offenders.

Instead of facing trials, some offenders are taking part in victim-offender mediation programmes or doing community service.

And in cases of juvenile offenders, magistrates have the option of sending them on rehabilitation courses at special juvenile schools.

The initiatives come from the crime prevention and offender rehabilitation organisation Nicro and will cut court costs, save taxpayers' money and avoid criminal records for minor offences.

The pilot phases have the blessing of the Department of Justice and senior prosecutors are working closely with Nicro to carry them out.

The initiatives are the result of extensive research overseas and aim to

rehabilitate offenders rather than criminalise them further by putting them in prison.

Nicro hopes the steps will shift the balance from a mostly punitive system of justice to a more progressive restorative system.

Three juvenile schools are up and running — in Cape Town, Tygerberg and Mitchell's Plain.

Juveniles who have committed first-time offences can be sentenced to six two-hour sessions at a juvenile school where they deal with issues relating to their crimes.

Nicro youth justice co-ordinator Ms Rosemary Shapiro said parent involvement was crucial because parent-child relationships were often at the root of juvenile crime.

When a child completes the course, Nicro submits an evaluation and recommendations to the court.

The schools use creative techniques, including role playing of parents, teachers, offenders and victims

to negotiate settlements.

The victim-offender mediation programme brings victims face to face with offenders to negotiate settlements.

Ten cases dealt with in this way in the Peninsula in the past few weeks range from eight eight-year-old school vandals to a middle-aged defrauder.

Only two were referred back to court.

Only non-violent property crimes, including shoplifting, housebreaking and petty theft, will be dealt with in this way.

The offender has to admit guilt and the victim has to be willing to accept a negotiated settlement for the programme to succeed.

Then it is up to the victim to decide an adequate form of reparation, which could include monetary compensation, a simple apology or community service.

The Human Sciences Research Council has financed the victim-of-

ender mediation (VOM) pilot scheme and Nicro is seeking additional funding to employ at least five full-time mediators.

VOM project co-ordinator Mr Lukas Muntzigh said he was pleased with the co-operation of prosecutors without whom the project would amount to nothing.

The pre-trial community service option has been running for nearly a year.

When a suitable case comes to the attention of a senior public prosecutor, he refers it to Nicro who screens it for possible community service instead of trial.

Nicro evaluates the person and assesses his or her suitability for the programme.

Nicro also determines which forms of community service suit offenders, placing them at hospitals, schools and sometimes in environment-related positions.

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Easing jail congestion

THREE bold new steps are being taken by Magistrates' Courts to ease overcrowding in prisons and rehabilitate juvenile, first-time and petty offenders.

Instead of facing trials, some offenders are participating in victim-offender mediation programmes or doing community service.

And in cases of juvenile offenders, magistrates have the option of sending them on rehabilitation courses at special juvenile schools.

Change in land policy

THE Government has had a change of heart on land policy, acknowledging that land should be restored to people who lost it as a result of apartheid laws.

This was necessary to redress the "total imbalance" in land ownership between whites and the rest of the population, Deputy Land Affairs Minister Johan Scheepers said yesterday - *Sowetan Correspondents and Sapa.*

Sowetan 28/10/92



Glen
Tagless
Tea Bags

Available

W

Girl, 5, locked in prison cell

CT 28/10/72 (253)

Own Correspondent

PORT ELIZABETH. — A grandmother and her five-year-old granddaughter were locked in a police cell for several hours after the woman was found guilty in the Magistrate's Court of a traffic violation

The little girl cried throughout the ordeal and police who took pity on her bought her lunch

The woman was allegedly also slapped in the face when she complained about having to have her thumbprint taken, and has laid a charge of assault

She was sentenced to R80 or 20 days for the traffic violation and for contempt of court on Monday

"After I stood down from the dock I went to wait for the court orderly to arrange for a way to pay, as I did not have any money," Mrs Isobel Zimmer of Central said yesterday

"The orderly took us straight down to the cells, which terrified the child, whose mother died in a tragic accident three months ago

"I could not even make a phone call to contact my husband

"I was then taken to a room to have my fingerprints taken. I complained because I wanted to make arrangements for the payment of the money and did not want a criminal record.

"A woman then tried to force me to dip my hand in the ink. I said I would do it myself, but when I held up my hand after dipping it on the pad and said to her 'here', she slapped me in the face"

She said a police officer later took her and her granddaughter to his office, and arranged for a deferred payment.

Police liaison officer Captain Henry Chalmers confirmed the incident

"The police are, however, concerned that Mrs Zimmer brought the girl with her. She should have made other arrangements," he said

Certain procedures have to be followed "though police do not enjoy doing things like this", he said

"Mrs Zimmer should have known she would have to pay the fine, and brought money with her"

Port Elizabeth Chief Magistrate Mr B van der Merwe said the matter would be urgently investigated

IFP launches prison release campaign

DURBAN — The Inkatha Freedom Party has launched a campaign for the immediate release from prison of a large number of its members, including former KwaZulu deputy interior minister and convicted murderer, Samuel Jamile.

IFP spokesman Mr Ed Tillett said his party had identified at least 46 prisoners which it felt qualified for political amnesty. He expected a large number of IFP members would be released before Christmas.

He said a list would be submitted to the Department of Correctional Services soon. — Sapa

News in brief

IFP moves on prisoners

THE Inkatha Freedom Party has launched a campaign for the immediate release from prison of a large number of its members, including former KwaZulu Cabinet Minister and convicted murderer Samuel Jamile, who is serving a life sentence at Durban's Westville Prison for murder. *Sowetan 28/10/92*

IFP spokesman Mr Ed Tillett said the party had identified at least 46 prisoners who it felt qualified for political amnesty and a list was being processed to be submitted to the Department of Correctional Services. The IFP expected its members to be freed before Christmas.

Overcrowding: Jail 'bursting' plan ready

By GLYNNIS UNDERHILL

APPROVAL has been given to a Department of Correctional Services plan — known as "bursting" — to bring forward the approved release date of prisoners to ease the overcrowded conditions in South African prisons.

The country's jails have 26 000 prisoners more than they can accommodate and the plan has been approved by the National Advisory Board on Correctional Services and Correctional Services Minister Mr Adrian Vlok.

The start of the "bursting" process is still to be announced and the "climate would have to be right", said Correctional Services spokesman Lieutenant Bert Slabbert.

The approved release date of prisoners would be brought forward by two to three months, he said.

"We will be able to control this process by selecting prisoners. Rapists and violent criminals won't benefit," he said.

Head of police public relations Major-General Leon Mellet said the police force

was sympathetic to the overcrowding problem.

But the timing of releases was critical and should not fall over the Christmas period when unemployment and crime were high, he said.

Top prison officials had been to the United States to study "bursting", where it has been applied "very successfully", said lieutenant Slabbert.

While there is room for 83 000 prisoners in South African prisons, there are now 109 000

Lieutenant Slabbert said that to build more prisons would not be financially viable because it cost up to R60 000 to set up one cell with warders. "It would cost millions of rands to make up the backlog," he said.

The number of prisoners now serving their sentences at home under Correctional supervision had risen to 1 000.

"This will progressively grow but it could take years. You have to have the infrastructure and manpower," he said.

Rumblings as council debates Indemnity Bill

CAPE TOWN — The Nationalist-dominated President's Council will decide on the Further Indemnity Bill next week amid indications of growing unhappiness in the NP camp

However, council sources said yesterday it was highly unlikely dissent within the ruling party would be allowed to surface in plenary debate next week

Sapa reports that a council committee has for the past three days been hearing evidence on the indemnity legislation, but the odds against the measure being rejected are long indeed

In the eight years of its existence the council, dominated by NP appointees, has vetoed only one of 15 draft laws sent to it for a decision, leading to criticism that it is little more than a rubber stamp

This is the second time President F W de Klerk has referred a Bill to the council. The first was the Post Office Amendment Bill, rejected last year by the Labour Party-dominated House of Representatives over fears for coloured jobs as a result of privatisation

Then, the council recommended that the President sign the measure into law

The only draft legislation the

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Political Staff

council has ever expressed reservations about was the equally controversial Group Areas Amendment Bill, introduced by the former president P W Botha government to tighten up on racially exclusive group areas at the same time that free settlement areas were being established.

In that case, the council sent the Bill back to Botha with a recommendation that it be amended

It cannot be ruled out that this might happen to the Further Indemnity Bill as well, but whereas the Group Areas Amendment Bill subsequently vanished without a trace, it is highly unlikely that De Klerk will allow the same thing to happen this time.

If the council does recommend amendments, the revised Bill will have to go through Parliament again

Council secretary Johan Weilbach said yesterday that a date still had to be finalised for the constitutional affairs committee's plenary session.

Council sources said Monday or Thursday were the most likely dates for the council to debate and vote on the measure.

The council has the option to

endorse the Bill, endorse it with reservations or recommend amendments. If they follow the last option, the legislation cannot go through immediately.

One council source said yesterday "It is very, very difficult to say what the government has in mind," the source said

"What remains unclear is why the hurry to force the measure through now when all parties agree the Bill is flawed."

Meanwhile, Sapa reports that Independent MP for Sandton and ANC member Dave Dalling has declined an invitation from council chairman Willie van Niekerk to give evidence to the council's constitutional committee, describing the process as "a farcical charade"

"The President's men must do as their master bids," he said in a letter to the committee chairman released to the media

A total of 42 of the 60 council members belong to the NP, including Van Niekerk, a former Health Minister.

□ The Conference of Editors yesterday issued a statement in Johannesburg expressing its misgivings about the secrecy provisions in the Bill

DEPARTMENT OF CORRECTIONAL SERVICES

No. R. 3042 253 30 October 1992

CORRECTIONAL SERVICES ACT, 1959 AMENDMENT OF THE CORRECTIONAL SERVICES REGULATIONS

The Minister of Correctional Services has under section 94 of the Correctional Services Act, 1959 (Act No. 8 of 1959), made the regulations in the Schedule

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R 2080 of 31 December 1965, as amended by Government Notices Nos. R 992 of 30 June 1967, R. 441 of 22 March 1968, R. 801 of 10 May 1968, R. 1865 of 11 October 1968, R. 2227 of 6 December 1968, R 2325 of 20 December 1968, R 1530 of 18 September 1970, R 1979 of 13 November 1970, R. 557 of 8 April 1971, R 1199 of 9 July 1971, R 53 of 14 January 1972, R 776 of 12 May 1972, R 1476 of 25 August 1972, R. 384 of 16 March 1973, R. 922 of 30 May 1973, R 2368 of 14 December 1973, R. 1842 of 11 October 1974, R 1311 of 11 July 1975, R 921 of 28 May 1976, R 2261 of 3 December 1976, R 173 of 11 February 1977, R. 607 of 15 April 1977, R. 966 of 3 June 1977, R 967 of 3 June 1977, R. 968 of 3 June 1977, R 1047 of 17 June 1977, R 1199 of 23 June 1977, R 1584 of 12 August 1977, R 1731 of 2 September 1977, R 2094 of 14 October 1977, R. 992 of 19 May 1978, R. 1759 of 1 September 1978, R. 1993 of 6 October 1978, R 1994 of 6 October 1978, R. 2091 of 21 September 1979, R. 350 of 18 February 1980, R. 1091 of 30 May 1980, R 1434 of 11 July 1980, R 832 of 16 April 1981, R 1933 of 30 August 1985, R. 1229 of 24 June 1988, R. 586 of 31 March 1989, R. 774 of 30 March 1990, R 2251 of 21 September 1990 and R 2486 of 28 August 1992.

Amendment of regulation 17 of the Regulations

2. Regulation 17 of the Regulations is hereby amended by the insertion of the following proviso to subregulation (4).

"(c) the Commissioner may approve that the child of a female member shall in other exceptional circumstances be regarded as a dependent child"

Amendment of regulation 71 of the Regulations

3. Regulation 71 of the Regulations is hereby amended—

(a) by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words—

"Any member or temporary warder or any person appointed in terms of section 84C (1) of the Act who contravenes or fails to

DEPARTEMENT VAN KORREKTIEWE DIENSTE

No. R. 3042 30 Oktober 1992

WET OP KORREKTIEWE DIENSTE, 1959 WYSIGING VAN DIE KORREKTIEWE DIENSTE-REGULASIES

Die Minister van Korrektiewe Dienste het kragtens artikel 94 van die Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 2080 van 31 Desember 1965, soos gewysig by Goewermentskennisgewings Nos R 992 van 30 Junie 1967, R. 441 van 22 Maart 1968, R. 801 van 10 Mei 1968, R 1865 van 11 Oktober 1968, R. 2227 van 6 Desember 1968, R 2325 van 20 Desember 1968, R 1530 van 18 September 1970, R 1979 van 13 November 1970, R. 557 van 8 April 1971, R. 1199 van 9 Julie 1971, R 53 van 14 Januarie 1972, R. 776 van 12 Mei 1972, R. 1476 van 25 Augustus 1972, R 384 van 16 Maart 1973, R. 922 van 30 Mei 1973, R 2368 van 14 Desember 1973, R 1842 van 11 Oktober 1974, R 1311 van 11 Julie 1975, R. 921 van 28 Mei 1976, R. 2261 van 3 Desember 1976, R 173 van 11 Februarie 1977, R. 607 van 15 April 1977, R. 966 van 3 Junie 1977, R. 967 van 3 Junie 1977, R 968 van 3 Junie 1977, R 1047 van 17 Junie 1977, R 1199 van 23 Junie 1977, R. 1584 van 12 Augustus 1977, R 1731 van 2 September 1977, R 2094 van 14 Oktober 1977, R 992 van 19 Mei 1978, R. 1759 van 1 September 1978, R. 1993 van 6 Oktober 1978, R 1994 van 6 Oktober 1978, R. 2091 van 21 September 1979, R 350 van 18 Februarie 1980, R. 1091 van 30 Mei 1980, R. 1434 van 11 Julie 1980, R 832 van 16 April 1981, R 1933 van 30 Augustus 1985, R. 1229 van 24 Junie 1988, R. 586 van 31 Maart 1989, R 774 van 30 Maart 1990, R 2251 van 21 September 1990 en R 2486 van 28 Augustus 1992

Wysiging van regulasie 17 van die Regulasies

2. Regulasie 17 van die Regulasies word hierby gewysig deur die volgende voorbehoudsbepaling by subregulasie (4) te voeg:

"(c) die Kommissaris goedkeuring kan verleen dat die kind van 'n vroulike lid in ander uitsonderlike omstandighede as 'n afhanklike kind beskou word"

Wysiging van regulasie 71 van die Regulasies

3. Regulasie 71 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang—

" 'n Lid of tydelike bewaarder of 'n persoon aangestel kragtens artikel 84C (1) van die Wet wat enige bepaling van die Wet of

Amendment of regulation 97 of the Regulations

6 Regulation 97 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation

"Separate detention of male and female prisoners

(4) (a) Whenever separate sections of a prison are available for the reception of male and female prisoners, the following requirements, subject to the provisions of section 23 of the Act, shall be observed:

- (i) The locks of the doors and gates of the male section shall be such that the keys to the doors and gates of the female section do not fit the former and vice versa
- (ii) The keys of the female section shall be in the constant custody of a female member or temporary wardress.
- (iii) Any male person admitted to a female section shall be accompanied by a female member or temporary wardress during the full period of such visit

(b) The provisions of paragraph (a) shall *mutatis mutandis* apply to separate prisons for the reception of male and female prisoners which are established on the same site, or on separate sites, but in proximity to each other "

Insertion of regulation 130 in the Regulations

7. The following regulation is hereby inserted in the Regulations after regulation 129

"INSTITUTIONAL COMMITTEES**Quorum**

130 (1) The chairman or, in his absence, the vice-chairman as designated by the Commissioner, together with at least two other members of the institutional committee, shall form a quorum for a meeting of the institutional committee.

Proceedings

(2) The chairman or, in his absence, the vice-chairman shall determine the agenda of and the procedure at a meeting of the institutional committee, which decision shall be final

Resolution of committee

(3) (a) A decision of the majority of members present at a meeting of an institutional committee shall constitute a resolution of the committee, and in the case of an equality of votes on any matter the chairman or, in his absence, the vice-chairman shall, in addition to his deliberative vote, have a casting vote

(b) Any minority recommendation shall be brought to the notice of the member or officer who decides on the release of a prisoner "

Amendment of regulation 139 of the Regulations

8 Regulation 139 of the Regulations is hereby amended by the substitution for paragraph (d) of subregulation (7) of the following paragraph

"(d) Except in so far as the Commissioner may in writing otherwise order, all visits to a condemned prisoner, of whatever nature or for whatever purpose, shall take place in the sight and hearing of a member or temporary warder "

Wysiging van regulasie 97 van die Regulasies

6 Regulasie 97 van die Regulasies word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang

"Afsonderlike aanhouding van manlike en vroulike gevangenes

(4) (a) Wanneer 'n gevangenis oor aparte afdelings vir die opneming van manlike en vroulike gevangenes beskik, moet die volgende vereistes, behoudens die bepalings van artikel 23 van die Wet, nagekom word

- (i) Die slotte van die deure en hekke van die mansafdeling moet sodanig wees dat die sleutels van die deure en hekke van die vroue-afdeling nie op eersgenoemde pas nie, en omgekeerd
- (ii) Die sleutels van die vroue-afdeling moet voortdurend in bewaring van 'n vroulike lid of tydelike bewaarster wees
- (iii) Enige manlike persoon wat in 'n vroue-afdeling toegelaat word, moet vir die volle tydperk van sodanige besoek deur 'n vroulike lid of tydelike bewaarster vergesel word

(b) Die bepalings van paragraaf (a) is *mutatis mutandis* van toepassing op aparte gevangnisse vir die opneming van manlike en vroulike gevangenes wat op dieselfde terrein, of op afsonderlike terreine maar in die nabyheid van mekaar, ingestel is "

Invoeging van regulasie 130 in die Regulasies

7. Die volgende regulasie word hierby in die Regulasies na regulasie 129 ingevoeg

"INRIGTINGSKOMITEES**Kworum**

130. (1) Die voorsitter of, in sy afwesigheid, die ondervoorsitter deur die Kommissaris aangewys, tesame met minstens twee ander lede van die inrigtingskomitee maak 'n kworum vir 'n inrigtingskomiteevergadering uit.

Prosedure

(2) Die voorsitter of, in sy afwesigheid, die ondervoorsitter bepaal die agenda van en die prosedure by 'n vergadering van 'n inrigtingskomitee, welke bepaling finaal is

Besluit van komitee

(3) (a) 'n Besluit van die meerderheid van die aanwesige lede op 'n vergadering van 'n inrigtingskomitee is 'n besluit van die komitee, en by staking van stemme oor enige aangeleentheid het die voorsitter of, in sy afwesigheid, die ondervoorsitter benewens sy beraadslagende stem 'n beslissende stem

(b) Enige minderheidsaanbeveling word onder die aandag van die lid of offisier wat oor die vrylating van 'n gevangene beslis, gebring "

Wysiging van regulasie 139 van die Regulasies

8 Regulasie 139 van die Regulasies word hierby gewysig deur paragraaf (d) van subregulasie (7) deur die volgende paragraaf te vervang

"(d) Behalwe vir sover die Kommissaris skriftelik anders gelas, moet alle besoeke aan 'n terdoodveroordeelde gevangene, van watter aard of vir watter doel ook al, ten aanskoue en binne hoorafstand van 'n lid of tydelike bewaarder plaasvind "

comply with any provision of the Act or these regulations (except a contravention or non-compliance which is expressly declared to be an offence under the Act or these regulations) or who—”, and

- (b) by the insertion after paragraph (kk) of subregulation (1) of the following paragraph

“(ll) without being properly authorised thereto, directly or indirectly causes or requires a probationer to perform any work or render any service in respect of which such member, temporary warder or person or such other person receives or is likely to receive some personal benefit or gain or in which such member, temporary warder or person or such other person has a personal interest, whether pecuniary or otherwise ”

Substitution of heading in the Regulations

- 4 The regulations are hereby amended by the substitution for the heading “(B) Decorations for Valour, for Excellence, for Distinction and for Merit Medals for Merit and for Faithful Service in the South African Prisons Service” that precedes regulation 81 of the following heading.

“(B) Decorations for Valour, for Excellence, for Distinction and for Merit, Medals for Merit and for Faithful Service in the Department of Correctional Services ”

Amendment of regulation 81 of the Regulations

- 5 Regulation 81 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation.

“Awarding of Decorations and Medals

(1) Subject to the provisions of the relevant Warrant as contained in the Third Schedule, the State President may, on the recommendation of the Minister, award the Department of Correctional Services Cross for Valour (Diamond) and the Department of Correctional Services Star for Excellence, and the Minister may award the Department of Correctional Services Cross for Valour (Ruby), the Department of Correctional Services Star for Distinction, the Department of Correctional Services Star for Merit, the Department of Correctional Services Cross for Merit, the Department of Correctional Services Medal for Merit (Officers), the Department of Correctional Services Medal for Merit (Non-commissioned Officers) or the Department of Correctional Services Medal for Faithful Service to any member, ex-member or any other person in respect of his contribution to the development and administration of the Department.”, and

- (b) by the substitution in subregulation (5) for subparagraph (iii) of paragraph (a) of the following subparagraph

“(iii) absconds from the Department or is discharged or dismissed therefrom on account of any disciplinary infringement ”

hierdie regulasies oortree of versuim om daaraan te voldoen (uitgesonderd 'n oortreding of versuim wat ingevolge die Wet of hierdie regulasies uitdruklik tot 'n misdryf verklaar is) of wat—”, en

- (b) deur na paragraaf (kk) van subregulasie (1) die volgende paragraaf in te voeg.

“(ll) sonder dat hy behoorlik daartoe gemagtig is, regstreeks of onregstreeks van 'n toesiggeval vereis om enige werk te verrig of enige diens te lewer, of hom dit laat verrig of laat lewer, ten opsigte waarvan so 'n lid, tydelike bewaarder of persoon of enige ander persoon die een of ander persoonlike voordeel of wins ontvang of waarskynlik sal ontvang, of waarin so 'n lid, tydelike bewaarder of persoon of enige ander persoon 'n persoonlike belang het, hetsy geldelik of andersins”

Vervanging van opskrif in die Regulasies

4. Die regulasies word hierby gewysig deur die opskrif “(B) Dekorاسies vir Dapperheid, vir Uitmuntendheid, vir Voortreflikheid en vir Meriete; Medaljes vir Meriete en vir Troue Diens in die Suid-Afrikaanse Gevangensdiens” wat regulasie 81 voorafgaan, deur die volgende opskrif te vervang

“(B) Dekorاسies vir Dapperheid, vir Uitmuntendheid, vir Voortreflikheid en vir Meriete, Medaljes vir Meriete en vir Troue Diens in die Departement van Korrekte Dientse ”.

Wysiging van regulasie 81 van die Regulاسies

5. Regulاسie 81 van die Regulاسies word hierby gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang

“Toekenning van Dekorاسies en Medaljes

(1) Behoudens die bepalings van die betrokke Bevelskrif soos vervat in die Derde Bylae, kan die Departement van Korrektiewe Dientse se Kruis vir Dapperheid (Diamant) en die Departement van Korrektiewe Dientse se Ster vir Uitmuntendheid deur die Staatspresident, op aanbeveling van die Minister, en die Departement van Korrektiewe Dientse se Kruis vir Dapperheid (Robyn), die Departement van Korrektiewe Dientse se Ster vir Voortreflikheid, die Departement van Korrektiewe Dientse se Ster vir Meriete, die Departement van Korrektiewe Dientse se Kruis vir Meriete, die Departement van Korrektiewe Dientse se Medalje vir Meriete (Offisiere), die Departement van Korrektiewe Dientse se Medalje vir Meriete (Onderoffisiere) of die Departement van Korrektiewe Dientse se Medalje vir Troue Diens deur die Minister aan 'n lid, 'n gewese lid of enige ander persoon ten opsigte van sy bydrae tot die ontwikkeling en administrasie van die Departement toegeken word ”, en

- (b) deur in subregulasie (5) subparagraaf (iii) van paragraaf (a) deur die volgende subparagraaf te vervang

“(iii) uit die Departement dros of weens 'n tugoortreding daaruit ontslaan of afgedank word ”

Substitution for regulation 145 of the Regulations

9 The following regulation is hereby substituted for regulation 145 of the Regulations

“Establishment of the Correctional Services Amenities Fund

145. (1) The Commissioner may establish a fund to be known as “the Correctional Services Amenities Fund”, hereinafter called “the Fund”, to provide, in the interest of the Department of Correctional Services, for grants or loans—

- (i) to Correctional Services clubs for the promotion of sport and recreation,
- (ii) for the establishment or maintenance of holiday resorts,
- (iii) to members for the purpose of study or research, or
- (iv) for any other purpose which, in the opinion of the Board of Trustees, is meritorious and in the interest of the Department of Correctional Services

Administration and control of the Fund

(2) The administration and control of the Fund shall vest in a Board of Trustees with the powers, functions and duties as prescribed, and such Board shall consist of the Commissioner or, in his absence, the Chief Deputy or Deputy Commissioner, as chairman, and such other member or members as are deemed necessary and are appointed by the Commissioner for any stipulated period indicated by him ”

Insertion of Chapter V in the Regulations

10. The following chapter is hereby inserted in the Regulations after regulation 150:

“Chapter V**Correctional Supervision***Procedure for dealing with requests, communications and complaints*

151. (1) A request, communication or complaint by a probationer in connection with any condition or compliance therewith, or in connection with any programme or the attendance or completion thereof shall be directed to the correctional official under whose supervision the probationer has been placed. Provided that such request, communication or complaint may also be directed in writing to the officer or member in charge of the correctional supervision office

Recording of requests, communications and complaints

(2) Full particulars of a request, communication or complaint referred to in subregulation (1) and the manner in which such request, communication or complaint was dealt with shall be recorded as prescribed.

Compliance with conditions

(3) The execution of any condition of correctional supervision imposed on a probationer in general or specifically shall not be suspended merely because of the lodging of a request, communication or complaint in connection with such condition, pending the outcome of an investigation into such request, communication or complaint

Vervanging van regulasie 145 van die Regulasies

9. Regulasie 145 van die Regulasies word hierby deur die volgende regulasie vervang

“Instelling van die Korrektiewe Dienste Geriewefonds

145 (1) Die Kommissaris kan 'n fonds wat as “die Korrektiewe Dienste Geriewefonds” bekend staan, hierna “die Fonds” genoem, instel om in belang van die Departement van Korrektiewe Dienste voorsiening te maak vir toekennings of lenings—

- (i) aan Korrektiewe Dienste-klubs ter bevordering van sport en ontspanning,
- (ii) vir die daarstelling of instandhouding van vakansie-oorde,
- (iii) aan lede vir die doeleindes van studie of navorsing, of
- (iv) vir enige ander doel wat na die mening van die Raad van Trustees verdienstelik en in belang van die Departement van Korrektiewe Dienste is

Bestuur van en beheer oor die Fonds

(2) Die bestuur van en beheer oor die Fonds berus by 'n Raad van Trustees met die bevoegd-hede, werksaamhede en pligte soos voorgeskryf, en sodanige Raad moet bestaan uit die Kommissaris of, in sy afwesigheid, die Hoofadjunk- of Adjunkkommissaris as voorsitter en sodanige ander lid of lede as wat nodig geag en deur die Kommissaris vir enige bepaalde tydperk deur hom aangedui, aangestel word ”

Invoeging van Hoofstuk V in die Regulasies

10 Die volgende hoofstuk word hierby in die Regulasies na regulasie 150 ingevoeg

“Hoofstuk V**Korrektiewe Toesig***Hantering van versoeke, mededelings en klagtes*

151. (1) 'n Versoek, mededeling of klagte deur 'n toesiggeval oor enige voorwaarde of die nakoming daarvan, of oor enige program of die bywoning of deurloping daarvan, moet gerig word aan die korrektiewe beampte onder wie se toesig die toesiggeval geplaas is: Met dien verstande dat sodanige versoek, mededeling of klagte ook deur die toesiggeval skriftelik by die offisier of lid in beheer van die korrektiewe toesigkantoor ingedien kan word

Aantekening van versoeke, mededelings en klagtes

(2) Volle besonderhede van 'n versoek, mededeling of klagte bedoel in subregulasie (1) en die wyse waarop daarmee gehandel is, moet aange-teken word soos voorgeskryf

Nakoming van voorwaardes

(3) Die uitvoering van enige voorwaarde van korrektiewe toesig wat in die algemeen of in die besonder aan 'n toesiggeval opgelê is, word nie bloot vanwee die indiening van 'n versoek, mededeling of klagte aangaande so 'n voorwaarde opgeskort nie, hangende die uitslag van 'n ondersoek daarna.

Statement of income and expenditure

152 The Commissioner may, as often as he deems it necessary, require any probationer to submit a statement of his income and expenditure and of his assets and liabilities in order to determine the financial position of such probationer

Duties of the Head of Correctional Supervision

153 (1) The Head of Correctional Supervision, as designated by the Commissioner, or a correctional official acting on his authority shall interview every probationer as soon as possible after he is placed under correctional supervision or is sentenced to such supervision

Amendment of conditions

(2) The Head of Correctional Supervision shall convey or cause to be conveyed in writing the conditions or amended conditions of correctional supervision to every probationer."

Amendment of the Third Schedule to the Regulations

11. The Third Schedule to the Regulations is hereby amended by the substitution for the expressions "The South African Prison Service", "Die Suid-Afrikaanse Gevangenisdiens", "Minister of Prisons", "Prisons Service", "Commissioner of Prisons" and "Prisons Act", wherever they occur in the said Schedule, of the expressions "The Department of Correctional Services", "Die Departement van Korrektiewe Dienste", "Minister of Correctional Services", "Department", "Commissioner of Correctional Services" and "Correctional Services Act", respectively

DEPARTMENT OF TRANSPORT

No. R. 3030

30 October 1992

AIR NAVIGATION REGULATIONS, MADE UNDER THE AVIATION ACT, 1962

CORRECTION NOTICE

Government Notice No R 2801 published in *Government Gazette* No 14304 of 2 October 1992 is hereby corrected as follows

1 In the English text on page 19—

(a) substitute the following for the heading
TWENTY-FIRST AMENDMENT OF THE
AIR NAVIGATION REGULATIONS, MADE
UNDER THE AVIATION ACT, 1962

DEPARTMENT OF MANPOWER

No. R. 3006

30 October 1992

LABOUR RELATIONS ACT, 1956

FURNITURE AND BEDDING MANUFACTURING
INDUSTRY TRANSVAAL**EXTENSION OF MAIN AGREEMENT**

I, Dennis van der Walt, Director Labour Relations, duly authorised thereto by the Minister of Manpower, hereby in terms of section 48 (4) (a) (i) of the Labour

Staat van inkomste en uitgawes

152. Die Kommissaris kan so dikwels as wat hy dit nodig ag, van 'n toesiggeval vereis om 'n staat van sy inkomste en uitgawes en van sy bates en laste voor te lê ten einde die finansiële vermoë van die toesiggeval vas te stel.

Pligte van Hoof van Korrektiewe Toesig

153 (1) Die Hoof van Korrektiewe Toesig deur die Kommissaris aangewys, of 'n korrektiewe beamppte wat op sy gesag handel, moet elke toesiggeval so spoedig moontlik nadat hy onder korrektiewe toesig geplaas of tot sodanige toesig gevonniss is, te woord staan.

Wysiging van voorwaardes

(2) Die Hoof van Korrektiewe Toesig moet die voorwaardes of gewysigde voorwaardes van korrektiewe toesig skriftelik aan elke toesiggeval meedeel of laat meedeel."

Wysiging van die Derde Bylae by die Regulasies

11 Die Derde Bylae by die Regulasies word hierby gewysig deur die uitdrukkings "Die Suid-Afrikaanse Gevangenisdiens", "The South African Prisons Services", "Minister van Gevangenis", "Gevangenisdiens", "Kommissaris van Gevangenis", en "Wet op Gevangenis", oral waar dit in genoemde Bylae voorkom, deur onderskeidelik die uitdrukkings "Die Departement van Korrektiewe Dienste", "The Department of Correctional Services", "Minister van Korrektiewe Dienste", "Departement", "Kommissaris van Korrektiewe Dienste" en "Wet op Korrektiewe Dienste" te vervang.

DEPARTEMENT VAN VERVOER

No. R. 3030

30 Oktober 1992

LUGVAARTREGULASIES UITGEVAARDIG KRAGTENS DIE LUGVAARTWET, 1962

VERBETERINGSKENNISGEWING

Goewermentskennisgewing No. R 2801 gepubliseer in *Staatskoerant* No 14304 van 2 Oktober 1992 word hiermee soos volg verbeter

1 In die Engelse teks op bladsy 19—

(a) vervang die opskrif met die volgende
TWENTY-FIRST AMENDMENT OF THE
AIR NAVIGATION REGULATIONS, MADE
UNDER THE AVIATION ACT, 1962

DEPARTEMENT VAN MANNEKRAG

No. R. 3006

30 Oktober 1992

WET OP ARBEIDSVERHOUDINGE, 1956

MEUBEL- EN BEDDEGOEDNYWERHEID
TRANSVAAL**VERLENGING VAN HOOFOOREENKOMS**

Ek, Dennis van der Walt, Direkteur Arbeidsverhoudinge, behoorlik daartoe gemagtig deur die Minister van Mannekrag, verleng hierby, kragtens artikel 48 (4)

Courts take steps to cut prison population

Sowetan 30/10/92

253



■ New victim-offender programmes instead of jail:

THREE bold new steps are being taken by magistrates' courts to ease overcrowding in prisons and rehabilitate juvenile, first-time and petty offenders

Instead of facing trials, some offenders are participating in victim-offender mediation programmes or doing community service. And in cases of juvenile offenders, magistrates have the option of sending them on rehabilitation courses at special "juvenile schools".

McBride says he 'feels remorse'

(253) LLOYD COUTTS

ANC cadre and former death row prisoner Robert McBride said yesterday he had planted the bomb in a Durban bar which killed three women during a "dirty war" in SA and nobody could deny his cause had been just.

McBride, 28, who received the death sentence for the 1986 bombing, said in an interview with Radio 702 he did, however, feel remorse for the deaths and injuries caused at Magoo's Bar.

"The killing of people is always tragic, and it is something I have to live with for the rest of my life. It is a tragedy that people have to die and people have to fight and kill for their freedom," he said.

McBride said he had carried out the bombing at the express orders of ANC commanders, even though he had initially questioned its wisdom. The intended target had been the neighbouring Why Not bar, a hangout for off-duty policemen and soldiers identified by ANC intelligence.

Asked how he felt about the release of Barend Strydom, McBride said Strydom had been a free man from a privileged group and could have turned to Parliament or his political representatives.

McBride said reconciliation was essential to secure the future of generations to come, but would be difficult to achieve in the current climate of violence.

McBride was released from death row in terms of a political settlement between the ANC and government.

International



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Reason versus terror

DI CAELERS
Weekend Argus Reporter

THE urgency of new steps being taken by Peninsula courts to rehabilitate juvenile, first-time and petty offenders is shown by a first-hand account of a young boy's experience in Pollsmoor

Weekend Argus interviewed two young offenders who committed similar crimes but whose different treatment brought vastly different responses

They both ended their interviews saying they "will never do it again" But while one reached his decision through constructive counselling and character-building at a special rehabilitation school, the other was simply terrified of being returned to Pollsmoor prison

The issue of children in South African prisons was highlighted in *Justice for the Children. No Child should be Caged*, a report released by the Community Law Centre of the University of the Western Cape, Nicro and Lawyers for Human Rights

It called for the release by Christmas of children awaiting trial in prisons and police cells as part of a drive to see the country's welfare, justice and police systems get their houses in order

The organisations said children needed to be taken away from the criminal justice system and returned to communities

The initiatives in Peninsula magistrates' courts mean that instead of facing trials some offenders are taking part in victim offender mediation programmes or doing community service

Juvenile offenders may also be sent on rehabilitation courses at special "juvenile schools" which was the case with one of the boys interviewed here by Weekend Argus

The juvenile schools are run by Nicro

Red tape holds up 'courts for kids' plan

253
AUG 31/10/92

PARLIAMENT'S vision a year ago of courts where children would be isolated from intimidating adult witnesses or where intermediaries could translate legal jargon into child-friendly language, has a long way to go to enforcement

Last year's Criminal Law Amendment Act (Act 135 of 1991) provides that when criminal procedures could place witnesses under 18 under "undue mental stress or suffering", courts may appoint intermediaries through which youths may address the court

But, while there is an outcry about children in jail and while the Cape Town Regional Court is home to an experimental, weekly court specialising in rape cases, measures to protect child witnesses have not seen the light of day

In Cape Town's rape specialist court, psychologists are provided to represent rape survivors and a sympathetic procedure for medical examinations has been adopted

Lawyers for Human Rights has agreed to foot the bill for psychologists to give expert evidence on behalf of cash-strapped rape survivors

■ A year after parliament passed legislation that would make courts a friendlier place for child witnesses, the Department of Justice is still wading through a bureaucratic minefield

TYRONE SEALE, Weekend Argus Reporter

Meanwhile, child witnesses have to depend on the goodwill of innovative court officials who, off their own bat, wish to ease the impact of courtroom appearances on young witnesses, says the Rev Bruce Duncan, head of the Safeline crisis line and therapy centre for abusers and victims of abuse

Mr Duncan said "Fortunately, most prosecutors and magistrates with whom we deal bend over backwards to accommodate children in court, but this depends on a number of factors

"This insecurity can be avoided if the law were simply implemented"

He believes a moratorium on hearings involving children would compel the Department of Justice to introduce the legislated measures

Responding to Mr Duncan's criticism, Department of Justice chief liaison officer Mr Pieter du Rand said the Criminal Law Amendment Act of last year allowed courts to recommend that child witnesses

give evidence at specially adapted venues

These venues should be comfortable for youths, should be able to place children beyond the sight and/or earshot of intimidating witnesses and should allow the court to see and hear the child and intermediary directly or through audiovisual means

Mr Du Rand said the legislation also provided for the appointment of intermediaries by the Minister of Justice

These provisions had not been gazetted yet because funds had been obtained only recently

The implementation of all these measures was receiving "urgent attention and everything possible is being done to expedite this"

All Supreme Court buildings and the magistrate's courts in 59 districts, including major cities and rural centres, would contain adapted venues

Prison ordeal of 17-year-old boy

DI CAELERS
Weekend Argus Reporter

FOR the sake of clothing worth R100, a 17-year-old Durbanville boy spent a month awaiting trial in Pollsmoor, sleeping on a lice-infested mat under a smelly blanket and facing constant harassment by older prisoners

Eugene's ordeal began when he was arrested after he and three friends broke into a house and stole a video machine and a gun

The four were picked up by police and Eugene (not his real name) spent his first night in Durbanville police cells "I was really scared. The police swore at us and threatened us, but never actually hurt us"

Because his mother could not raise the R500 bail he

was sent to Pollsmoor where he spent a month. He saw daylight twice — for 20 minutes

About 30 prisoners in his cell shared a toilet and a shower. They slept on "thin mats" infested with lice. During his stay he was allowed outside to exercise twice for 20 minutes

He said the youngest person in his cell was 14

They were threatened by "big guys" who stole their money, food and clothes

His mother finally borrowed the bail money — reduced to R300

Asked why he broke into the house, Eugene said simply "I needed the money. I went with my friends but I wouldn't ever have done it alone. I never want to go back to jail again"

Committed crime 'as if in a dream'

DI CAELERS
Weekend Argus Reporter

ACTING "as if in a dream", a 16-year-old Brackenfell schoolboy stole cassette tapes from the local hypermarket without giving a thought to being caught

Luckily for Donald (not his real name) he found himself faced not with prison, but a series of positive and character-building courses organised by the National Institute for the Prevention of Crime and the Rehabilitation of Offenders (Nicro)

Donald's attendance and co-operation at the courses means he may not have a criminal record. His final court appearance takes place next week and that is when he will get the official "verdict"

"I was taken to the

Brackenfell police station where they took my fingerprints. They phoned my parents and I was released into their custody and had to appear in court the next day

"I was told I would have to take part in the youth offender programme and that if I went to all six lessons my criminal record would be taken away"

His parents were required to accompany him to the first and last lectures where he said "everyone is friendly and nice and try to help you sort out your problems"

There were 11 people in his group — seven for shoplifting and four for vandalism

Donald described the courses as "extremely positive" and said he did "a lot of deep thinking"