

Friday 18 November 1988

Sanctions hurting Blacks — Buthelezi

BONN. — Sanctions were crippling Black South African communities even more than apartheid was, Chief Mangosuthu Buthelezi said yesterday.

He commended West Germany's Konrad Adenauer Foundation for pursuing its commitment to improving the lot of poor Black people while major forces in Europe and America swung behind the sanctions campaign which was causing poverty and suffering.

The KwaZulu Chief Minister and Inkatha president, who was due to meet Bonn's Foreign Affairs Minister, Mr Hans-Dieter Genscher, later yesterday, was speaking during round-table discussions with top foundation officials.

He said the highest

praise he could give any agency or development organisation in the West was to say that it helped the oppressed people of his country to do what they wanted to do to "combat their own bondage".

This was what the foundation did in co-operation with Inkatha.

Although it was present "on the ground where the real battle is being fought", the Adenauer Foundation never became involved in the inter-cine confrontations in the Black community.

It had a real humanitarian concern for the poorest of the poor and stood firm behind this commitment while others swung behind sanctions.

"Sanctions cripple Black communities even further than apartheid has managed to cripple them," Chief Buthelezi said.

"Sanctions start crippling after apartheid has already done its crippling." — Sapa.

**UDF sided with
ANC says judge**

'CRIME OF TREASON PROVED'

MR Justice van Dijkhorst ruled in the Pretoria Supreme Court yesterday that the State had proved crimes of treason after concluding that the "dominant core" of the United Democratic Front leadership had sided with the African National Congress against the South African Government which was referred to as the "enemy" by both parties.

The judge, delivering his judgment which started on Tuesday, said the demise of the Black Local Authorities through the murder of councillors was proudly held up by the UDF as a great victory.

Nineteen men who include three leaders of the UDF, have pleaded not guilty to charges of treason, terrorism subversion and murder.

The judge yesterday said the UDF was conceived in councils of the ANC and its policy was the same as that of the ANC in setting up a revolutionary climate in South Africa. The UDF at one stage during the unrest in the township, even predicted that "blood will flow in this country," said Mr Justice van Dijkhorst.

**By MONK
NKOMO**

The UDF and its affiliates denigrated security forces and called for their immediate withdrawal in the townships. The UDF sided with the ANC against the Government which was referred to as "an enemy to be destroyed", the judge said.

The "dominant core" of the UDF leadership, the judge said, fomented a revolutionary climate in a number of townships to make South Africa ungovernable. Mr Justice van Dijkhorst concluded yesterday morning that "the State has proved the crime of treason".

Earlier the judge said patrons and senior members of the UDF included former members or supporters of the ANC, some of whom had already served years on Robben Island.

Treason proved against UDF's 'dominant core'

NATAL MERCURY

18 NOV. 1988

Mercury Correspondent

PRETORIA—The State had proved the crime of treason against the dominant core of the UDF leadership, the 'Delmas' treason trial Judge, Mr Justice van Dijkhorst, found yesterday.

That part of the UDF leadership had formulated and executed a policy of mass organisation while fomenting a revolutionary climate to lead to mass action against Government institutions, the Judge said.

Violence, he added, was intended, necessary and inevitable.

The violence of 1984-85 was not sporadic and haphazard as could be ascribed to frustration born out of unemployment or low living standards.

This was preceded by a propaganda campaign of vast magnitude which not only attacked the Constitution but also the black education system and the local authorities.

Every grievance was linked by the UDF and its cohorts to apartheid. It was not surprising schoolchildren became politi-

cised.'

The Judge commented that Cosas, the Congress of South African Students, had planned school boycotts to coincide with the tricameral elections.

It does not need much insight to see that hordes of politicised schoolchildren on the streets could lead to disruption and rioting.

He found that in the 17 areas where violence had been directed at councillors and local black authorities, these campaigns had been waged by affiliates of the UDF or organisations which actively supported it.

The Court also found the UDF leadership as a whole held the view that the ends justified the means as far as the destruction of the local black authorities system was concerned.

'Violence was an effective and acceptable option,' the Judge said. 'This conclusion is further supported by the fact that at no stage did the UDF consider terminating its affiliation with Cosas or any of the youth congresses.'

The demise of the local authorities, the murder of councillors or their resignation through intimidation and arson were proudly held up by the UDF as great victories.

'Since its launch the UDF has consistently popularised the ANC and fomented distrust and even hatred of the the Government and its organisations among the black population.

'Its policies in all material respects were the same as the ANC's.

'While bound to the downfall of the South African Government it was not as explicit on the question of violence,' the Judge said.

'It did not openly and directly advocate violence — that would have brought about immediate State intervention.

'The UDF created a mass organisation of intertwined affiliates which could be called into action when the time was ripe.

'To prepare the ground for the final onslaught by the masses it set about creating a revolutionary climate among the black population.'

He said not all affiliates and persons named in the indictment were co-conspirators.

There were many people who flocked to the UDF in the expectation that it would be a catalyst for radical but peaceful change.

Concern mounts at wave of killings in Mpumalanga

18 NOVEMBER 1988

by STRINI MOODLEY

CONCERN over the continuing violence in Mpumalanga is growing among businessmen, politicians, government officials and lawyers, and claims have been made that law and order has completely broken down in the township.

The Natal Chamber of Industries (NCI) has indicated it hopes to meet shortly with authorities to discuss the situation in Mpumalanga.

Mr John Pohl, the executive direc-

tor of the NCI, told The Natal Witness yesterday they were "extremely concerned" by the violence which has "claimed the lives of a number of employees" of affiliated companies in the Hammarsdale area.

Since the latest wave of killings began in the middle of last month, 42 people have been killed and 67 injured.

The latest police unrest report states that four men were wounded when a number of gunshots were

fired at them by unknown gunmen. A private vehicle was also damaged when it was stoned by a mob.

MEC Mr Peter Miller said the executive committee was also keeping a close watch on developments in Mpumalanga and were concerned about the violence.

"However, Mpumalanga falls outside our jurisdiction so there is very little we can do. It is a matter for the security forces at this stage," he said.

It was clear, he added, that it was

"a definite, deliberate struggle between the United Democratic Front and Inkatha".

Mr John Fletcher, the Losses Prevention Manager at South African Nylon Spinners, said that between the end of last month and November 11 they had lost two of their employees, who had been killed.

Some companies in the Hammarsdale area are providing private transport — particularly for night-shift workers — but were reluctant to

elaborate out of fear that this transport would also be affected.

Mr Pierre Cronje, the Greytown MP for the National Democratic Movement, said he had made the Commissioner of Police in Pretoria (General Hendrik de Witt) aware of the violence.

He said he had detailed personal accounts of the activities of the special constables in Mpumalanga to the commissioner.

"Police claims that the special

constables have been brought in to restore peace is simply not true as the number of deaths have escalated since their arrival," he said.

Mr Richard Lyster of the Legal Resources Centre (LRC) sent a lengthy telex to the Commissioner of Police, calling for "urgent and drastic steps".

He said in his telex, after giving details of his assessment of the situation: "... I believe there is a serious breakdown in the maintenance of law and order in the township."

The Natal Witness has requested detailed clarification of the position in Mpumalanga from the police in a telefax addressed to Brigadier Leon Mellet, but a spokesman in Brigadier Mellet's office said a reply may only be forthcoming this afternoon as he was unavailable for comment.

KwaZulu bus shooting: witness 'blamed Cosatu man under duress'

THE NATAL WITNESS
18 NOVEMBER 1988

Witness Reporter

A STATE witness in the trial of a high-ranking Cosatu official in a city regional court yesterday claimed his statement to the police implicating the Cosatu official on charges of attempted murder was made under duress.

Mr Alson Ngubo, a detainee, was giving evidence in the trial of Mr Alfred Ndlovu (38), Cosatu's southern Natal regional chairman and

vice president of the affiliated Transport and General Workers' Union (TGWU).

Mr Ndlovu, also a KwaZulu Transport bus driver before his arrest last year, faces a charge of terrorism and two counts of attempted murder.

Giving evidence, Mr Ngubo denied knowing anything about an attempt on the life of Mr Philip Thabethe — a KwaZulu Transport bus

driver who belonged to the break-away Uwusa union — in East Street last year.

In his statement to the police, which was handed in as an exhibit, Mr Ngubo said Mr Ndlovu had asked him to fetch four youngsters and take them to Taylor's Halt in September last year.

Mr Ndlovu told them they must kill Mr Thabethe, one of seven bus drivers who had broken away from

Cosatu and joined Uwusa, the statement read.

According to his statement, Mr Ndlovu asked him to get guns and he later gave a 9mm pistol and a revolver to two of the youths.

After the shooting in East Street, one of the youths told him he had climbed into the bus Mr Thabethe was driving and shot him three times in the left shoulder but had not killed him.

Later Mr Ndlovu told one of the youths to join any branch of Inkatha and provide information about Inkatha meetings so that that the four and "Brother" could go and shoot Inkatha people, the statement read.

They were warned to keep "Brother's" presence a secret as he had come from outside the country.

In his statement, Mr Ngubo said Mr Ndlovu was a shop steward and the bus drivers feared him and carried out his orders to the letter.

Yesterday Mr Ngubo told the court: "I made a sworn statement to the police but I want the court to know that I was assaulted when I made it."

Mr Peter Blomkamp for the state made an application for Mr Ngubo to be impeached.

A second state witness, who may not be named, denied knowing Mr Ndlovu and gave evidence which contradicted his statement to the police.

An application was made for his impeachment.

The case continues today.

SOWETAN, Tuesday, January 3, 1989

TUTU'S SON FACES CHARGE

A CHARGE of contravening the Civil Aviation Offences Act is being brought against Mr Trevor Armstrong Tutu and Miss Joan Helen Rhodes after an incident at Jan Smuts Airport, the SAP public relations division has announced.

A police spokesman said Mr Tutu left his luggage unattended in the airport building and

Sequel to airport incident

in view of the present security arrangements at Jan Smuts Airport, the police indicated to him the luggage should not be left unattended.

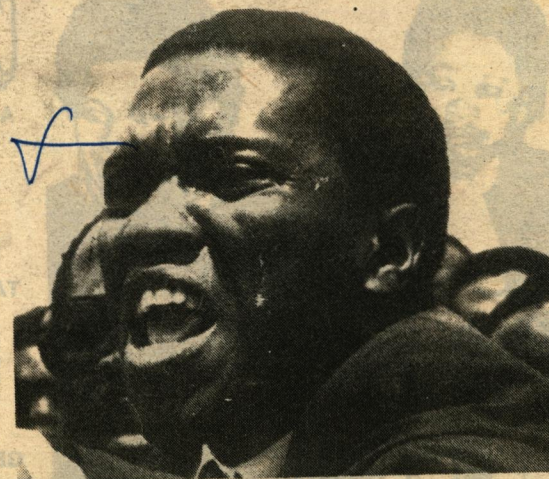
"Mr Tutu and Miss

Rhodes then made certain remarks which gave rise to the charges.

"The incident occurred at 17.25 on December 31, 1988. Both of them have been warned to appear in court today in Kempton

Park Magistrate's Court."

Police confirmed that Mr Tutu is the son of the Archbishop of Cape Town and Nobel Peace Prize winner, the Most Reverend Desmond Tutu.



TREVOR Tutu

Dear Sir,

I WOULD like to take up Ken Owen's challenge "Won't some liberal please offer Tutu a better policy?" by outlining some proposals for satisfying the aspirations of all South Africans including, I believe, Tutu.

I believe strongly that the future of this country lies in a liberal democracy which does not depend on the wisdom of its leaders but which is structured to ensure that whoever governs, governs well. The key to such a system is that sovereignty is vested in the people rather than in the state. In a diverse society this can be achieved in a federal system which limits the power of central government to areas of common interest to the states such as national defence, national finance, foreign af-

Future lies in liberal democracy

BUSINESS DAY 18 NOV. 1988

LETTERS

PO Box 1138
Jo'burg 2000

fairs, and the provision of federal infrastructure. All other economic, political and social welfare decision-making should be devolved to second and third tier governments.

Provided the federal regions are numerous, there will be a continuous demonstration of the consequences of good or bad policies. People will see which taxation, transport, education or labour policies work best and will vote with their feet and their hands for the ones they prefer.

Local governments will be subjected to the discipline of the marketplace, and will have to compete to

attract citizens in the same way shopkeepers compete for customers. Good government will tend to drive out the bad.

Such a system is extremely democratic because citizens are closely involved in decisions which affect their lives. Their involvement can be made even more direct through the introduction of a Swiss-type referen-

dum system whereby any citizen who can collect sufficient signatures can force the government to put proposed or existing legislation to the popular vote. What's to prevent such a constitution from being torn up, or a military coup occurring? If power is dispersed amongst numerous different centres, subversion of the entire state is much more difficult.

In the end the security of any political system lies in its popularity.

Another way to protect the constitution is to make changes and amendments subject to the approval of a high percentage of the people in

a referendum, as well as by a majority of the states or cantons. Moreover, if the central government has no direct power to tax or subsidise the states, it will not be able to bribe them to toe the federal line.

We can establish such a system in South Africa provided that we are prepared to work for it. Once enough people understand what a liberal, non-racial democracy can offer them in terms of peace, freedom and prosperity, the swell of pressure will become so great that the leaders will realise they must ride the wave — or be drowned by it.

FRANCES KENDALL
Johannesburg

☐ This letter has been shortened —
Editor

LABOUR LETTER/Alan Fine

COMMENT

Not their problem

THE irony of the SA Council of Churches trying to prevent senior black personnel losing their jobs in disinvesting Control Data will not have gone unnoticed among workers who are told they are prepared to suffer for sanctions.

The SACC has not repudiated leaders, including Archbishop Desmond Tutu, its former general secretary, who support sanctions. And Tutu is a leading proponent of the view that black people are willing to bear the pain of sanctions and disinvestment in order to end apartheid.

Neither Tutu nor any other sanctions supporter can stop job losses, black or white, as US subsidiary Control Data becomes SA-owned Corporate Data Control. Its new owners will restructure CDC according to the needs they perceive and the worth of each worker. Local management says the ratio of 25% black staff will be retained. That is more than some other SA managements of disinvested companies have undertaken. If it is less than the SACC hopes for, the churches it represents have not yet fully understood the impact of disinvestment on workers of all colours and on the churches' ability to influence employment and other policies.

The churches were more likely to be heard when those companies were US-owned signatories to the Sullivan code, with its requirements for employment ratios, black advancement and spending on social responsibility programmes. They

could exert far more leverage then than now, when local managements are not only independent but operate in a tighter economic environment caused in part by the sanctions and disinvestment which leading churchmen support. US corporation chiefs who disinvested because of the "hassle factor" associated with SA connections can now shove aside with relief letters complaining about what the new management is doing. It is no longer their problem and the SACC pleads in vain for them to get involved.

Nor is there any guarantee disinvesting companies will survive under local management. Pepsi was nearly closed and is emerging phoenix-like from the ashes of disinvestment only because of a rescue operation prompted by Pepsi's US management, not the SACC, and with local financial backing. The workers whose jobs have been saved have, for the moment, been spared the pain urged on them by those in sanctions-proof positions.

Job losses and declining membership are bringing home to unions the realities of sanctions: that disinvestment cannot be targeted solely at the SA zebra's white stripes, that calls on foreign companies to go are as likely to be met with the Kodak decision to close up as with Pepsi's decision to hand over to black management and step back if things go wrong.

Those who have not changed their stance are the champions of disinvestment who proclaim that the people shall suffer but the leaders shall not.

JAN STEYN is stepping down as executive chairman of the Urban Foundation with a challenge to business: help promote the economic empowerment of black South Africans through staff training and the active support of black entrepreneurs.

When the Urban Foundation started in 1976, formed by the private sector after the Soweto riots, Steyn began with seemingly insurmountable problems and few solutions.

The past 12 years have given him some very specific insights into which problems can be solved and how they should be tackled.

He does not expect business to do things out of charity. Much of his time has been spent persuading businessmen that helping to solve the black housing problem is in their own long-term interests.

"You can't conduct sound business in an unstable environment."

And as great a priority as housing is education, training and jobs for the thousands of black people who are streaming to SA's cities.

He believes firmly that business must act here in its own best interests, too, because unless business takes a firm and active role in educating and training the next generation of black workers and management, it is business that will suffer.

The short-term goal must be the rapid economic empowerment of black South Africans," he says.

"Secondly, a really dynamic improvement must be made in education and training at every conceivable level in order to sustain and accelerate that process."

He sees a vast private-sector training programme moving "like a big wave" behind the urbanisation process, lowering the threshold for black entry into the economy.

"There is no higher priority in SA. "Commerce and industry must constantly monitor what it is spending on training, how it is spending it and whether it is getting the return that it



STEYN ... "If I look at how human dignity has been advanced by people owning their own homes and having a sense of pride and belonging, that probably warms me up the most"

Picture:
ROBBIE BOTHA

Train your workers BUSINESS DAY 18 Nov. 1988 — or go to the wall

MICHAEL ACOTT

should have on that investment.

"Every head of every business must ask himself how much per capita per annum is being spent on training. Where is he going to find future management to run the business? Where is he going to find the apprentices and the technicians?"

"White SA supply it for the future? — not on your nelly."

Steyn also sees black economic advancement as helping to break down the fear and distrust which he regards as the greatest inhibitors to progress.

"We can do so much to improve race relations, to remove tensions in

our society, by giving opportunities to black people to participate in our economy and become stakeholders in a sound and stable future SA.

"Successful economic advancement of blacks would also help destroy all the illusions that underpin the cry for separatism which emerges from so many white South Africans."

Government can help black business advancement by rapid deregulation. But organised business needs to pump in money and resources and seek out black suppliers.

"Black business will need small loans — they will be high risk loans and you'll have to charge high interest rates for them. But you've got to give people access to money and you've got to give them access to counselling and advice and you've got to give them administrative support and backup.

"Business has a critically important role, not only in conventional job creation but also in actively looking at how, in procurement and allocation of orders, they can bring in the small black entrepreneur.

"Middle management especially must understand the importance for their own long-term survival of spe-

cifically supporting the small black manufacturer."

The Urban Foundation has a black business directory which Steyn encourages businessmen to consult and use.

This is a continuation of the programme Steyn embarked on 12 years ago to foster understanding and co-operation between black and white.

"Bringing together black leadership and the business leadership not only developed the understanding of the business community, but over time a greater realism on the part of black leadership regarding the quality of white South Africans — the recognition that they cared and wished to work for a common future.

"One has the beginnings of a development of some mutual trust."

What gives him much satisfaction is the huge contribution the Urban Foundation has made to black housing.

"We are talking about the preserv-

tion of human dignity — that in the end is what it's all about. If I look at how human dignity has been advanced by people owning their own homes and having a sense of pride and belonging, that probably warms me up the most."

The other huge sense of achievement is in the political changes — the 99-year leasehold provisions, the abolition of the pass laws and government's recognition of black urbanisation — for which he and the foundation were major proponents.

"While I concede that much remains to be done, I get very angry with people who say to me that nothing in SA has changed. The authorities are no longer arresting 200 000 to 300 000 people a year under the pass laws, shoving them in prison and subjecting them to a demeaning process which had little to do with justice. The fact that you've made some contribu-

tion towards bringing about that kind of change in the lives of ordinary people gives one great satisfaction."

He remains, as ever, an optimist. "How can you be pessimistic of SA's future if you've actually seen the pro-

cesses of change at work? The fact that we're in a trough at the moment shouldn't destroy our longer-term hopes or obscure the longer-term horizons."

"I think there is far more hope for the future today than there was 10 years ago. The tension in the air is almost a reflection of the intensity of the hopes of the people who were without hope prior to 1977."

The present trough in the change process Steyn regards as one of his failures, not accepting the counter-argument that he cannot be held responsible for a lack of government action.

"You've got to take some of the responsibility for it — if you hold yourself up as a change agent and you don't deliver, you've failed."

He is also concerned about the possible passage of legislation tightening group areas provisions and squatting restrictions now being considered by the President's Council.

"If the legislation were to go through in its present form, I would consider that a failure of very substantial proportions. In both instances, we would be creating a legislative framework which is inappropriate for SA's needs."

Other failures he cites are that the Urban Foundation did not do as much as it could in the early stages to secure a high level of community involvement in its programmes, and that it has not got the private sector involved in financing really low-cost housing for the poorest black people.

But successes outnumber the failures, and Steyn believes it has all been well worth while.

"I was born an idealist and I will die an idealist. I'm not doing this for any other reason than that I want to live in a more just country and I want my children to live in a reasonably just society."

"That's what inspires the people in this organisation — they believe they are making a contribution to building a new and different and better SA."

Steyn hands over his executive duties to Sam van Collier in April next year, but will stay on as chairman, stressing that he will continue to be very much part of the action.

"There is still a tremendous amount to be done."

"The racial structuring of our society has got to go, not only for moral or ideological reasons but for sound economic reasons."

"Just as little as we could hope to practise grand apartheid today given our economic needs, so I believe we will be unable in the future to practise any kind of apartheid because SA's economy will not grow at the required rate to create jobs if we do."

IRAIN YOUR WORKERS
-OA GO TO THE WALL.

THE STAR - 18 Nov. 1988

Thousands attend funeral of Velani 'Veja' Thula

By Stan Hlophe

Velani Thula, the son of Mr Gibson Thula, a Soweto businessman and former Inkatha chief urban representative, was described as a reconciliator, bridge-builder, and a dedicated community worker by various speakers at his funeral service in Soweto yesterday.

The service for Velani "Veja", (21), who was shot during a police raid in Diepkloof Phase 3 at the weekend, was attended by leading figures in business, politics, education and show business.

Among the 3 000 dignitaries attending the service to pay their last tribute were Mr G Magomola, chief executive of the African Bank, Dr Oscar Dhlomo, secretary-general of Inkatha, Mr Ruel Khoza, chairman of Shareworld and managing

director of Co-Ordinated Marketing, Mr Sam Collier, executive director of the Urban Foundation, Mr Roger Sishi, chairman of the NSL, his general manager, Mr Cyril Kobus, and management committee member Mr Raymond Hack, Mr Tom Boya, president of United Municipalities of South Africa, and white family friends.

Mrs Winnie Mandela, wife of the ANC leader Mr Nelson Mandela, said the Thula family had lost a great son who sacrificed his life for the nation.

Messages of condolence were received from Chief Mangosuthu Buthelezi, Lesotho's Minister of Finance, the ANC, and Mr Linda Ngwenya, Velani's friend who is still recuperating at a private clinic in Johannesburg.



**Family mourns for
a lost son . . .**

Mr Gibson Thula, Soweto businessman, and former Inkatha chief urban representative, with his wife Nanana, and daughter Nolwandle, in mourning for their son, Vela, who was buried at the Avalon Cemetery yesterday.

● Picture: Boy George Mashinini.

Vaal Civic Association had a hand in violence — judge

By Adele Baleta and Jo-Anne Collinge

The Vaal Civic Association, the dominant political organisation in the Vaal Triangle townships during September 1984, "organised or had a hand in the organisation of the violence", the Delmas treason trial judge found yesterday.

Mr Justice van Dijkhorst, sitting in the Palace of Justice, Pretoria, rejected the defence argument that violence on September 3 was spontaneous.

"It is inconceivable that the VCA leadership would not have become aware that the UDF's policy on the destruction of black local authorities was a violent one."

The judge noted that VCA representatives had attended a UDF seminar at Daleside where a paper was allegedly given stating that "our next tasks are to destroy the black local authorities and build our civics".

The judge described this statement as "ominous" in the light of what had later developed in the Vaal.

Alternative to the main charge of treason are charges of sedition and terrorism. Alternative to the latter are five counts



The joy of being found not guilty after three years on trial is reflected on the faces of three accused in the Delmas trial: (from left) the Rev Geoff Moselane, Mr Patrick Baleka and Mr Oupa Hlomuka.

of murder, arising from deaths of councillors and others on September 3 1984.

Earlier the judge had said that the fact that a resolution was taken at the launch of the VCA in 1983 to affiliate to the UDF "indicates that the VCA was not merely a locally oriented residents' association".

Commenting on the march of September 3 in Sebokeng, Mr van Dijkhorst concluded it had been organised by the VCA.

Although the march culminated in violence and the deaths of many people, including councillors, the judge concluded: "It has not been proved that VCA speakers called for violence at the meetings before the march."

He said councillors were attacked and vilified and "no effort spared to move the people

of Lekoa to contempt and even hatred for the councillors".

"The march was a recipe for disaster. We can come to only one conclusion — it was intended to be that."

He said that the VCA knew the march was unlawful. The fact that the courts had later found the ban on outdoor gatherings invalid, was irrelevant, the judge said.

Provided that the intention to cause a riot was present, this could be sedition or a crime of treason.

In contrast to his finding that a dominant section of UDF leadership functioned as an internal wing of the ANC, the judge could find no such conspiracy between the VCA and ANC.

The judgment will continue today.

Prayers for PAC leader's health

By Kaizer Nyatumba

The deterioration of Pan Africanist Congress (PAC) leader Mr Zephania Mothopeng's health in jail was a source of major concern to his family, the PAC leader's son, Mr John Mothopeng, said in Johannesburg yesterday.

Addressing about 500 people who attended a prayer meeting held at Lekon House for the speedy recovery of his father, Mr Mothopeng appealed to individuals and the world to pressure the Government so his father could receive quality medical care.

The 500-strong audience, which included representatives of foreign em-

bassies, heard all the speakers emphasise they were gathered to pray for Mr Mothopeng's recovery, and to appeal for him to be allowed to have an independent doctor, and not to plead for his release.

Launching a bitter attack on the media for "ignoring and misrepresenting the Africanists' cause", National Council of Trade Unions president Mr James Mndaweni said he wanted to know why Mr Mothopeng was denied "proper medical treatment" and why he was not in a private clinic.

"Is it because he is the leader of the PAC?" Mr Mndaweni asked.

From PG 1

STAR 18 NOV. 1988

TREASON TRIAL NO LONGER NEWS

The implications of a Mandela release

By SHAUN JOHNSON and EDDIE KOCH of The Weekly Mail

If Nelson Mandela and his Rivonia colleagues are soon freed, the anti-apartheid leaders of the 1950s will be coming out of prison just as legal proceedings against their counterparts of the 1980s wind up.

The release may also presage important realignments in both parliamentary and extra-parliamentary politics.

Modern South African political history has been punctuated by famous trials, usually known by place names.

"Rivonia" conjures up the top African National Congress accused led by Mandela and Walter Sisulu. "Delmas" will henceforth be connected with three key officials of the United Democratic Front, Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane.

Marathon trials

The historical parallel between the two marathon trials, spanning more than 20 years, goes deep: both trials reached conclusion in Court C of Pretoria's Palace of Justice; both groups of accused faced the maximum penalty; both groups, curiously, were defended by advocates Mr

Arthur Chaskalson and Mr George Bizos.

But, most importantly, both trials took place in the aftermath of nationwide resistance to apartheid — indeed, precisely because of that resistance.

Mandela and his co-accused were charged with plotting the violent overthrow of the South African Government after the banning of the ANC in 1960.

Molefe's and the others' charges are framed in a more contemporary idiom, but amount to the same thing. Their involvement was in what has come to be known as the "Vaal Uprising" of September 1984, the spasm of outrage which sparked the nationwide "long wave" of resistance lasting until 1986.

There is no reason to believe that the latest rash of "Mandela release" speculation has any more substance — save for its level of hysteria — than the hundreds of rumours which preceded it.

Nevertheless, such is Mandela's political magnetism that mere ru-

mours of his release have sent new political currents surging through the circuits of both government and the anti-apartheid movement.

This was vividly illustrated in Cape Town last Monday when rumours spread in the morning that the ANC leader and his Rivonia colleagues were on the brink of release.

The extra-parliamentary machinery in Cape Town, which appeared to have been smashed by detentions and the restriction of the United Democratic Front, was galvanised.

Wide network

Bright banners proclaiming words of welcome were painted; hundreds of buses were hired; and within a few hours 5 000 people converged on the University of the Western Cape.

The Mandela legend is capable of generating more than spontaneous displays of fervour. It is thought that a wide network of activists has been mobilised around the task of

welcoming Mandela and his Rivonia compatriots.

According to some sources, there is talk of setting up national and regional committees to see to practical arrangements such as media exposure, accommodation, family welfare — as well as political debriefing — for the veterans.

Representatives from a variety of anti-apartheid groups outside UDF circles may be included on the reception committees: white liberal groups, homeland leaders opposing "independence" and even resistance groups whose ideals differ from the non-racial principles of the ANC.

"Clearly, there are far more people who would want to turn to the Rivonia leadership rather than the UDF or Cosatu," says one source.

Other sources say that the reception committees could be embryonic forms of a broad front to oppose apartheid.

All stress, however, that many decisions and directions may well be changed when Mandela and his colleagues come out of prison.

The Mandela factor has also whipped up a storm within the State President, Mr P W Botha's, Cabinet.

The Department of Constitutional Development and Planning, charged with responsibility for persuading "moderate" black leaders to participate in the Government's programme of reform, appears to be pushing hard in favour of release.

There is, however, a powerful lobby within the Cabinet which believes that by releasing Mandela, the Government will be courting disaster.

Headed by Defence Minister General Magnus Malan, this grouping — dubbed the securocrats — is based in the powerful State Security Council.

The securocrats can also argue that the release of Mandela before a national election, expected to be called early next year, would strengthen the hand of right-wing parties.

Ultimately it is the State President who will weigh up the advice of his warring navigators and decide which course to follow.

His decision will indicate the direction of the State's reform programme and this will influence the process already in motion within extra-parliamentary circles.

Treason trials no longer news

STAR

19 NOV. 1988

BY PATRICK LAURENCE

Once rare and unusual, treason trials have become a permanent part of South Africa's political landscape.

The trial for treason of 19 men in the Pretoria Supreme Court has made headlines in the past day or two because the judge, Mr Justice K van Dijkhorst, has started to deliver his judgment of more than 1 500 pages.

The acquittal of three of the 19 men yesterday added to public interest in the trial. But for many months it has been largely ignored by the media. Like exploding bombs in the cities and the death of servicemen on the border, they have to be spectacular to arouse more than cursory interest.

The 19 men in the dock before Mr Justice Van Dijkhorst accounted for less than a tenth of the men charged with treason in South Africa and its dependencies.

A total of nearly 250 people are standing trial for treason in six trials in South Africa and Bophuthatswana, claims the Human Rights Commission.

Broader pattern

The current trials are part of a broader pattern. Last year, 36 people were indicted for treason in four trials, none of which was completed. In 1986, 49 people were charged with treason in four trials, of whom 10 were convicted and eight acquitted. In 1985, 55 people faced treason charges in seven trials, of whom eight were convicted.

The sharp rise in treason trialists in 1988 is due primarily to the failed coup attempt in Bophuthatswana in February, which resulted in 204 people being charged with treason.

The spate of treason trials in recent years contrasts sharply with the 18-year hiatus between 1961 and 1979 when there were no treason trials.

The Rivonia Trial of 1964, at which Nelson Mandela and seven political comrades were sentenced to life for sabotage, occurred during the hiatus. They were lucky that it did.

The presiding judge, Mr Justice De Wet, remarked that the crime for which they had been found guilty was essentially high treason. But, he added, as the State had not charged them with treason, he would not sentence them to death.

The hiatus started with the acquittal of 30 people in the treason trial of 1956-61. It ended with the appearance of 12 on charges of treason in Maritzburg Supreme Court in 1979.

Writing in 1978, Professor John Dugard of the Centre for Applied Legal Studies drew attention to the absence of treason trials after 1961, a period characterised by a spectacular rise in the number of political trials.

His explanation: Having failed to secure a conviction in the treason trial of 1956-61, the State shied away from pressing charges under the common law of treason; instead, it preferred to charge radical activists under statutory laws, which either shifted the onus of proof from the State to the defence or altered the rules to make convictions easier.

Professor Dugard described the crime prohibited under these laws as "statutory treason", adding: "Only an over-industrious prosecutor would forego the generous definitions of crime and the easy procedural rules of the new statutory

forms of treason for the common law of treason and its more exacting laws of procedure."

Yet, only one year later, the State started to press charges against African National Congress guerillas under common law treason and, if their actions resulted in death, common law murder.

Not coincidentally, Solomon Mahlangu, the first ANC guerilla to be hanged after the 1976 Soweto revolt, was executed for murder.

Sedition

No official reasons have been given for the re-deployment in political trials of the common law charges of treason, murder and sedition (the first sedition trial in years was held in 1979 when sedition charges were brought against members of the Soweto Student Representative Council).

But most observers see it as an attempt to de-romanticise the trials of political opponents.

As Roger Scruton notes in "A Dictionary of Political Thought": "Treason remains one of the few crimes punishable by death in England."

People convicted in South African courts of treason and murder are, in strict terms of law, traitors and murderers, labels which are not calculated to win them sympathy in international capitals and the townships.

But world concern for the Sharpeville Six, convicted of murdering a black councillor, suggests that even the ugliest of labels will not necessarily alienate political trialists from the rest of the world.

See Pg. 2

Irony in freeing Mandela

THE imminent release of convicted ANC terrorist Mandela will bring to a triumphant end the campaign initiated in 1980 by assorted Leftists in this country. But what awaits South Africa after the release of her Lenin?

In 1917 the German High Command provided Lenin with a free passage from Switzerland to Russia in the hope that a Leninist regime would pull Russia out of the war against Germany. The gamble proved to be a shrewd one. But for Russia it marked the beginning of a bloody civil war and a tyranny which prevails to this day.

By bowing to the Marxist-orchestrated "Free Mandela campaign" the NP Government appears to have been lulled into believing it has struck a blow for "peace". In terms of Marxist semantics—communism—such thinking may be justified

because "peace" is regarded as an end of resistance to communism. But just as Lenin proclaimed "All power to the Soviets" so Mandela and his comrades have made it perfectly clear that they are interested only in usurping power for themselves and the SA Communist party.

With the war in SWA about to gravitate to the Orange River once the UN/Swapo forces assume control in terms of Resolution 435, and with the inevitable intensification of internal unrest which will follow the release of Mandela, by its own actions the NP Government will have succeeded in setting South Africa on fire — something which 20 years of "total onslaught" failed to achieve.

An appalling irony indeed.

D L DU BOIS

Brighton Beach

RE
ma
real
contr
regular and use

What would Blacks do with the vote?

I REFER to the Chief Minister of Kwa-Zulu, Chief Mangosutho Buthelezi's comments in The Citizen (November 10) regarding his rejection in all of this country's efforts to help his own, and other Black peoples, lot.

Chief Buthelezi's request for the enfranchisement of Blacks is extremely well timed especially now that most of his colleagues have been ably trained nationally to do so by two squirrels.

Given the vote then, who will be called upon to train these people to run a country when clearly they are unable to run themselves.

No, Mr Buthelezi, you are kidding yourself. Your race is not full of Bill Cosbys, or "Commanders of the Galactic fleet," as the media may try to convince us. You must recall that until quite recently you had no written language or your own, no numerals no calendar system, you had not domesticated any animals, nor did you have a plough or even the wheel.

But now you want a vote? Explain to us why and what you would do with it please, and who will profit?

A REALIST

Rivonia

I am a parent of four lovely grown-up daughters whom I dearly love and in whose company I find great enjoyment whenever they choose my company and a son, my friend and mentor (being a lawyer). All five of them occasionally even take my side against their mother.

The fact that they are holders of good university degrees is not incidental: in their matric year they were given a very specific choice: matric or else!

DAD

Pretoria

Advice for Tutu

WOULDN'T it be nice if Tutu took a leaf out of Mother Teresa's book and did something to help his Black community, instead of giving them heartache and despair.

They must have realised by now that his pie in the sky stories are just that.

Mrs M ELLIOT

Emmarentia Ext

'UDF policies were the same as the ANC'

Treason proved, finds *BUSINESS DAY 18 NOV. 1988* 'Delmas' trial judge

SUSAN RUSSELL

PRETORIA — The State had proved the crime of treason against the dominant core of the UDF leadership in the "Delmas" trial, Mr Justice van Dijkhorst found yesterday.

On the second day of his judgment at the end of the marathon three-year trial of 16 people linked to the UDF, Azapo and Vaal Civic Association (VCA), he said the UDF leadership core had formulated and executed a policy of mass organisation, while fomenting a revolutionary climate to lead to mass action against government institutions.

Violence, he added, was intended, necessary and inevitable.

The judge said the violence of 1984-85 was not sporadic and haphazard as could be ascribed to frustration borne out of unemployment or low living standards, but was preceded by a propaganda campaign of vast magnitude.

"Every grievance was linked by the UDF and its cohorts to apartheid."

Violence

The judge said the Congress of SA Students (Cosas) had planned schools boycotts to coincide with the tricameral elections. "It does not need much insight to see that hordes of politicised school-children on the streets could lead to disruption and rioting."

There was further evidence, he noted, that violence had been directed at specific targets.

He found that in the 17 areas where violence had been directed at councillors and local black authorities, these campaigns had been waged by affiliates of the UDF or organisations which actively supported it.

The court also found the UDF leadership as a whole held the view that the ends justified the means as far as the destruction of the local black authorities system was concerned.

"Violence was an effective and acceptable option," the judge said.

"This conclusion is further supported by the fact that at no stage did the UDF consider terminating its affiliation with Cosas or any of the youth congresses."

The demise of the local authorities, the murder of councillors or their resignation through intimidation and arson were proudly held up by the UDF as great victories, he said.

"Since its launch the UDF has consistently popularised the ANC and fomented distrust and even hatred of the government and its organisations among the black population. Its policies in all material respects were the same as those of the ANC."

But, he said, while bound to the downfall of the government, the UDF was not as explicit on the question of violence.

"It did not openly and directly advocate violence — that would have brought about immediate state intervention."

The judge said the UDF created a mass organisation of intertwined affiliates. "To prepare the ground for the final onslaught by the masses it set about creating a revolutionary climate among the black population."

When support was sought among white, Indian and coloured sections of the population, UDF speakers did not support violence, he said, but when addressing blacks the language was, if not revolutionary, open to interpretation by those inclined.

"For practical purposes the government is at war with the ANC. In the circumstances the intent of the UDF was no less hostile than one would find in time of war in the case of a treasonable act."

He said he wished to state emphatically that not all affiliates and persons named in the indictment were co-

conspirators.

There were many people who flocked to the UDF out of disgust and dissatisfaction with government in the expectation the UDF would be a catalyst for radical but peaceful change.

Others would have become aware of the course the UDF was taking and there must have been many more who, "wrapped in a political cocoon, closed their eyes."

The judge then dealt at length with the birth of the VCA and the riots and political upheaval in the Vaal triangle during 1984.

There was clear evidence of UDF involvement in the launch of the VCA, he said.

The VCA saw itself as part of the overall liberation struggle and was not merely concerned with local civic issues, he said.

He found there were also close links between Cosas and the VCA.

Radicals

The judge concluded that the VCA was neither democratic nor representative. A fair description of its operations in Lekoa, he said, was "never have so many been manipulated by so few".

It was clear that by mid-1984 radicals were at the helm of the VCA.

The state had not proved that speakers at various VCA meetings had called for violence before the rioting started, but what was clear was that councillors were attacked and vilified and no effort was spared to turn the people of Lekoa against them.

The judge also dealt at length with the stayaway and procession on September 3, 1984, which ended in the death of a councillor and erupted into the riots. The march was a "recipe for disaster and there is only one conclusion, and that it was intended to be that," he said.

Judgment continues.

Defence argument of spontaneous action during rent protests rejected in Delmas treason trial

Violence organised, judge finds

DAILY NEWS 18 Nov. 1988

Daily News Correspondent

PRETORIA: The Vaal Civic Association, the dominant political organisation in the Vaal Triangle townships during September 1984, "organised or had a hand in the organisation of the violence" which surrounded the rent protests of that time, the Delmas treason trial judge found yesterday.

Mr Justice van Dijkhorst, sitting in the Palace of Justice here, rejected the defence argument that violence in the Vaal during a rent protest march and work stayaway on September 3 was spontaneous.

"The stayaway was directed by well-organised groups of youths who paralysed the transport," he said.

"It is inconceivable that the VCA leadership would not have become aware that the UDF's policy on the destruction of black local authorities was a violent one."

The judge noted that VCA representatives had attended a UDF seminar at Daleside where a paper was allegedly distributed.

The paper said: "Our next tasks are to destroy the black local authorities and build our civics."

The judge described this statement as "ominous" in the light of what had later developed in the Vaal.

Alternative to the main charge of treason are charges of sedition and terrorism. Alternative to these are five counts of murder arising from deaths of councillors and others on September 3 1984.

Earlier the judge had said that the fact that a resolution was taken at the launch of the VCA in 1983 to affiliate to the UDF "indicates that the VCA was not merely a locally oriented residents' association".

In terms of the working principles of the UDF, the VCA would be bound to the front's programme of action.

While the management of the VCA was not aware that the organisation was intended to bring about violence, the question remained whether a clique within the structures had "such nefarious intentions".

Commenting on the march of September 3 in the township of Sebokeng, the judge concluded it had been organised by the VCA.

The VCA as the organisers of the march must have envisaged it had the potential of violence. They must have been aware of violence earlier in the day of the march, but had persisted with the protest.



FREE MEN: Delmas trialists the Rev Tebogo Geoffrey Moselane (left), Mr Patrick Mabuya Baleka and Mr Oupa Hlomoka (right), celebrate their acquittal at the Pretoria Supreme Court

"The march was a recipe for disaster. We can come to only one conclusion — it was intended to be that."

The judgment continues today.

□ Three accused in the trial were acquitted yesterday, but the verdict on the other 16 is still to come.

The judge has already found that the State has proved its main charge of treason.

The men discharged were Mr Patrick Baleka (29), Mr Oupa Hlomoka (35) and the Rev Geoff Moselane (42).

Treason trials no longer news

STAR 18-11-88

BY PATRICK LAURENCE

Once rare and unusual, treason trials have become a permanent part of South Africa's political landscape.

The trial for treason of 19 men in the Pretoria Supreme Court has made headlines in the past day or two because the judge, Mr Justice K van Dijkhorst, has started to deliver his judgment of more than 1 500 pages.

The acquittal of three of the 19 men yesterday added to public interest in the trial. But for many months it has been largely ignored by the media. Like exploding bombs in the cities and the death of servicemen on the border, they have to be spectacular to arouse more than cursory interest.

The 19 men in the dock before Mr Justice Van Dijkhorst accounted for less than a tenth of the men charged with treason in South Africa and its dependencies.

A total of nearly 250 people are standing trial for treason in six trials in South Africa and Bophuthatswana, claims the Human Rights Commission.

Broader pattern

The current trials are part of a broader pattern. Last year, 36 people were indicted for treason in four trials, none of which was completed. In 1986, 49 people were charged with treason in four trials, of whom 10 were convicted and eight acquitted. In 1985, 55 people faced treason charges in seven trials, of whom eight were convicted.

The sharp rise in treason trialists in 1988 is due primarily to the failed coup attempt in Bophuthatswana in February, which resulted in 204 people being charged with treason.

The spate of treason trials in recent years contrasts sharply with the 18-year hiatus between 1961 and 1979 when there were no treason trials.

The Rivonia Trial of 1964, at which Nelson Mandela and seven political comrades were sentenced to life for sabotage, occurred during the hiatus. They were lucky that it did.

The presiding judge, Mr Justice De Wet, remarked that the crime for which they had been found guilty was essentially high treason. But, he added, as the State had not charged them with treason, he would not sentence them to death.

The hiatus started with the acquittal of 30 people in the treason trial of 1956-61. It ended with the appearance of 12 on charges of treason in Maritzburg Supreme Court in 1979.

Writing in 1978, Professor John Dugard of the Centre for Applied Legal Studies drew attention to the absence of treason trials after 1961, a period characterised by a spectacular rise in the number of political trials.

His explanation: Having failed to secure a conviction in the treason trial of 1956-61, the State shied away from pressing charges under the common law of treason; instead, it preferred to charge radical activists under statutory laws, which either shifted the onus of proof from the State to the defence or altered the rules to make convictions easier.

Professor Dugard described the crime prohibited under these laws as "statutory treason", adding: "Only an over-industrious prosecutor would forego the generous definitions of crime and the easy procedural rules of the new statutory

forms of treason for the common law of treason and its more exacting laws of procedure."

Yet, only one year later, the State started to press charges against African National Congress guerrillas under common law treason and, if their actions resulted in death, common law murder.

Not coincidentally, Solomon Mahlangu, the first ANC guerrilla to be hanged after the 1976 Soweto revolt, was executed for murder.

Sedition

No official reasons have been given for the re-deployment in political trials of the common law charges of treason, murder and sedition (the first sedition trial in years was held in 1979 when sedition charges were brought against members of the Soweto Student Representative Council).

But most observers see it as an attempt to de-romanticise the trials of political opponents.

As Roger Scruton notes in "A Dictionary of Political Thought": "Treason remains one of the few crimes punishable by death in England."

People convicted in South African courts of treason and murder are, in strict terms of law, traitors and murderers, labels which are not calculated to win them sympathy in international capitals and the townships.

But world concern for the Sharpeville Six, convicted of murdering a black councillor, suggests that even the ugliest of labels will not necessarily alienate political trialists from the rest of the world.

The implications of a Mandela release

X STAR 18-11-88

If Nelson Mandela and his Rivonia colleagues are soon freed, the anti-apartheid leaders of the 1950s will be coming out of prison just as legal proceedings against their counterparts of the 1980s wind up.

The release may also presage important realignments in both parliamentary and extra-parliamentary politics.

Modern South African political history has been punctuated by famous trials, usually known by place names.

"Rivonia" conjures up the top African National Congress accused led by Mandela and Walter Sisulu. "Delmas" will henceforth be connected with three key officials of the United Democratic Front, Mr Popo Molefe, Mr Patrick "Terror" Lekota and Mr Moss Chikane.

Marathon trials

The historical parallel between the two marathon trials, spanning more than 20 years, goes deep: both trials reached conclusion in Court C of Pretoria's Palace of Justice; both groups of accused faced the maximum penalty; both groups, curiously, were defended by advocates Mr

Arthur Chaskalson and Mr George Bizos.

But, most importantly, both trials took place in the aftermath of nationwide resistance to apartheid — indeed, precisely because of that resistance.

Mandela and his co-accused were charged with plotting the violent overthrow of the South African Government after the banning of the ANC in 1960.

Molefe's and the others' charges are framed in a more contemporary idiom, but amount to the same thing. Their involvement was in what has come to be known as the "Vaal Uprising" of September 1984, the spasm of outrage which sparked the nationwide "long wave" of resistance lasting until 1986.

There is no reason to believe that the latest rash of "Mandela release" speculation has any more substance — save for its level of hysteria — than the hundreds of rumours which preceded it.

Nevertheless, such is Mandela's political magnetism that mere ru-

mours of his release have sent new political currents surging through the circuits of both government and the anti-apartheid movement.

This was vividly illustrated in Cape Town last Monday when rumours spread in the morning that the ANC leader and his Rivonia colleagues were on the brink of release.

The extra-parliamentary machinery in Cape Town, which appeared to have been smashed by detentions and the restriction of the United Democratic Front, was galvanised.

Wide network

Bright banners proclaiming words of welcome were painted; hundreds of buses were hired; and within a few hours 5 000 people converged on the University of the Western Cape.

The Mandela legend is capable of generating more than spontaneous displays of fervour. It is thought that a wide network of activists has been mobilised around the task of

welcoming Mandela and his Rivonia compatriots.

According to some sources, there is talk of setting up national and regional committees to see to practical arrangements such as media exposure, accommodation, family welfare — as well as political debriefing — for the veterans.

Representatives from a variety of anti-apartheid groups outside UDF circles may be included on the reception committees: white liberal groups, homeland leaders opposing "independence" and even resistance groups whose ideals differ from the non-racial principles of the ANC.

"Clearly, there are far more people who would want to turn to the Rivonia leadership rather than the UDF or Cosatu," says one source.

Other sources say that the reception committees could be embryonic forms of a broad front to oppose apartheid.

All stress, however, that many decisions and directions may well be changed when Mandela and his colleagues come out of prison.

The Mandela factor has also whipped up a storm within the State President, Mr P W Botha's, Cabinet.

The Department of Constitutional Development and Planning, charged with responsibility for persuading "moderate" black leaders to participate in the Government's programme of reform, appears to be pushing hard in favour of release.

There is, however, a powerful lobby within the Cabinet which believes that by releasing Mandela, the Government will be courting disaster.

Headed by Defence Minister General Magnus Malan, this grouping — dubbed the securocrats — is based in the powerful State Security Council.

The securocrats can also argue that the release of Mandela before a national election, expected to be called early next year, would strengthen the hand of right-wing parties.

Ultimately it is the State President who will weigh up the advice of his warring navigators and decide which course to follow.

His decision will indicate the direction of the State's reform programme and this will influence the process already in motion within extra-parliamentary circles.