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Mandela trial judge allows new evidence of violence

From GAVIN BELL IN JOHANNESBURG

THE prosecution of Winnie Mandela on kidnap and assault charges widened yesterday when a supreme court judge agreed to hear evidence implicating her in violent crimes other than those for which she is on trial.

Mr Justice M. S. Stegmann ruled the force of "similar fact evidence" of previous kidnappings and assaults outweighed the prejudicial effects such testimony could have on Mrs Mandela's defence. However, he made it clear his ruling was provisional, and the new evidence would not necessarily be considered in his final judgment.

Jan Swanepoel, the prosecutor, had applied to produce

witnesses whom, he said, would prove Mrs Mandela's participation in two incidents in September and November 1988, in which three people were abducted and taken to her Soweto home where they were assaulted. One of them, a 21-year-old man, was never seen again, he said.

Mrs Mandela, wife of Nelson Mandela, the African National Congress deputy president, and three others are accused of kidnapping and seriously assaulting three men and Stompie Moeketsi Seipei, aged 14, in December 1988. Jerry Richardson, the leader of her bodyguard, was sentenced to death last year for the youth's murder.

Mr Justice Stegmann ordered the state to provide Mrs Mandela's lawyers with details of the alleged earlier offences, and the identities of the complainants. Mr Swanepoel agreed, but said he would apply for the new evidence to be held in camera to protect the witnesses. Last month Gabriel Mekgwe, aged 22, one of the plaintiffs in the case, disappeared before he was due to testify against Mrs Mandela. The other state witnesses, Kenneth Kgase, aged 31, and Barend Mono, aged 21, have testified that Mrs Mandela hummed a tune and danced to the rhythm as she beat them with a whip, after declaring they were not fit to be alive.

Also in the dock are John Morgan, aged 61, Xoliswa Falati, aged 36, and her daughter, Nompumelelo, aged 18, who worked in a church mission in Soweto where the abductions allegedly took place. Four other accused, all members of Mrs Mandela's so-called football club, have disappeared.

A senior barrister said the application of "similar fact evidence" was exceptional, but the principle was well-established and derived from English law, in particular a decision by the House of Lords in 1975 in the case *DPP versus Boardman*. "One may infer from this that Mr Justice Stegmann is sufficiently convinced that these other incidents are compelling and relevant to Mrs Mandela's alleged conduct, notwithstanding the prejudice it might do to her," he said.

● **Freedom move:** The government has announced the release of 40 political prisoners, most of them supporters of the ANC, in the first granting of indemnity for crimes of political violence.

Carl Niehaus, a former theology student serving a 15-year sentence for treason, was among 31 prisoners granted remissions of up to seven years. An airlift from Lusaka of returning ANC exiles has been halted pending a decision by the government on whether to allow the United Nations to participate in the repatriation programme, organisers said.

KwaZulu asks Pretoria for money to fight Aids

Natal witness 20 March 1991

Witness Reporter

KWAZULU'S newly-appointed minister of health has called on Pretoria to provide extra resources to tackle the growing Aids crisis in the region.

Dr Baldwin Ngubane described as "tragic" the news that more than 100 people a week in KwaZulu and Natal were testing positive with the HIV virus.

He stressed he would do everything in his power to provide an effective Aids education and counselling service for the millions living in the self-governing territory.

"I will be asking the South African Government for more money, and will be seeking the co-operation of agencies such as the Red Cross, as we seek to step up our efforts in the fight against Aids."

Ngubane emphasised that other essential health services, such as the vaccination of children, would not suffer as a result of increased attention being given to Aids.

The latest Aids figures, revealed by Professor Dennis Pudifin of the University of Natal's Medical School, show that the number of HIV cases in KwaZulu and Natal had risen by almost 1 000 in the last 10 weeks to more than 3 500.

- More than 10 million children worldwide will be infected with the HIV virus by the year 2000 with the majority developing full-blown Aids.

This was disclosed in Lusaka in a paper presented to the African Union against Venereal Disease and Treponematoses conference by Benjamin Nkowane of the World Health Organisation.

He said at the end of last year, an estimated 400 000 HIV-positive children had been diagnosed globally, with the highest number occurring in developing countries.

The virus in children is directly linked to infections in women of child-bearing age.

What a week that was . . .

PHEW! Now that was a week worth remembering.

The referendum was a real victory, and while everyone involved can take a couple of minutes off, one must remember that every second counts.

What lies ahead represents the last chance for South Africans to manage the process of change in a relatively amicable and ordered manner.

But I do not want to pontificate on issues which have been so widely exposed this week in the press — otherwise I am quite sure you will turn the page.

There are a few things which are political in nature which I do want to say here.

The referendum was a nice break from the reality of the problems facing Natal and South Africa.

Last weekend bang in the middle of referendum fever, 19 people were killed in Umlazi township, but because of the referendum and

other reasons, the story in the newspaper only just made page two.

Can you imagine if 19 white people were killed in one fell swoop in Westville? You think it would be on page two? No chance.

The reason for this is that most newspapers catering for our market are afraid that you will be bored by yet another story of blacks killing blacks in some township somewhere in Natal.

That's why there is a tendency to put stories about township violence in a place where only those who are very concerned about the issue will find them and read them.

The challenge I am putting to readers here is: get off your chair whether it is the office, the breakfast table or elsewhere at home, and get concerned about violence.

I can just see the thoughts in the minds of some cynics — here goes another Bleeding Heart Liberal With An-

other Appeal.

Well, I assure you that unless every single citizen of Natal becomes directly concerned with ending the violence now, someone you know will be killed as a result of it — in spite of the successful Yes vote.

The conflict here in Natal between the ANC and the Inkatha Freedom Party has got the potential to derail the entire Codesa process, plunging South Africa into darkness and war.

So every Natalian must put their shoulder to the wheel, of course making sure the right person is holding the reins — sometimes when you push hard you find the wagon heading in the wrong direction.

Political success in Natal will require people to stand aside from time to time and just make sure that those who you are sympathetic towards are worth the effort.

Do the leaders you admire

**By
the
Way**



Dominic Mitchell

talk about peace and the free market on one hand and then kill a score of people at the weekend?

Natal must be very careful — it is a province uniquely placed to act as a brake or an accelerator to the process of political change.

Anyway, I must take this opportunity to say farewell to readers as I have decided to enter the political and economic fray on a full-time basis — but in a neutral capacity. I will miss the opportunity of being able to say things and be guaranteed that no-one will answer back.

Good luck and good fishing.

16/1/11

20/8/81
20/8/81
MK still recruiting
UMKHONTO we Sizwe is still recruiting members for training outside South Africa but not in the country.
The ANC's department of information and publicity has denied reports on Wednesday quoting MK commander Mr Tokyo Sexwale that the organisation's military wing had suspended recruitment because of insufficient resources.
The ANC said: "Umkhonto, in accordance with the Pretoria Minute and the DF Malan Accord, does not recruit any members for training inside South Africa.
"However, we do recruit members for training outside South Africa."

Hawke considers South Africa visit

THE Prime Minister, Mr Hawke, may try to recruit South Africa into the Cairns group of free agricultural traders if he visits there later this year.

Mr Hawke confirmed he was considering a South African visit after the Commonwealth Heads of Government meeting in Harare in October.

In an interview with the *Australian Financial Review*, Mr Hawke said he believed Australia should

take the lead in removing sanctions because it took the lead in applying them.

He described the recent changes in South Africa as irreversible and said Australia had to be among the first to help restore normality there.

He also confirmed that the Foreign Affairs Minister, Senator Evans, planned a visit to South Africa before his own. Australian ministers have not visited South Africa since the late 1960s.

The Herald Sun
20.3.91

He must be changing

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Hawke may visit South Africa 20/3/91

By TONY WRIGHT,
Political Correspondent

The Prime Minister, Bob Hawke, is considering a trip to South Africa in October — a move that would give a powerful signal to other Commonwealth countries that the time has come to begin normalising relations with the ostracised country.

Mr Hawke's trip would follow his attendance at the Commonwealth Heads of Government Meeting to begin on October 16 in Zimbabwe, which shares a border with South Africa.

The major item on the CHOGM agenda is likely to be the reforms undertaken in South Africa by the Government of President De Klerk, who announced on February 1 that he would repeal the so-called "pillars of apartheid".

The reforms — which appear to mark the beginning of the end of apartheid — are considered largely the result of economic and financial sanctions imposed on South Africa by Commonwealth and other nations.

Mr Hawke believes that because his Government took a lead in persuading the international community to impose sanctions, the time is fast approaching to take a lead in having the sanctions removed. He is understood to believe that Mr De Klerk's Government will completely dismantle apartheid laws, and that sanctions threaten the economic well-being of post-apartheid South Africa.

A spokesman for Mr Hawke confirmed yesterday that a report in *The Financial Review*, which said Mr Hawke was considering a visit to South Africa, was "broadly correct". No plans were likely to be finalised for several months, and would depend on South Africa's progress in dismantling apartheid.

"I regard it essentially as an obligation on Australia to take a lead now, just as we took the lead in imposing sanctions, trying to force the smashing of apartheid," Mr Hawke was quoted as saying in the *Financial Review* interview.

Mr Hawke will be exposed to the attitudes of other Commonwealth leaders towards South Africa at a meeting in London in June. The meeting of Commonwealth heads in London is not specifically about South Africa, but it is inevitable that the Commonwealth's relations with Pretoria will be raised.

Dhlomo: politician for a brave new South Africa

Natal witness 20 March 1991

There is a new breed of people who will make an impact in the New South Africa, which lies beyond negotiations. CARMEL RICKARD spoke to one of them, former secretary general of Inkatha, now executive chairman of the Institute for Multi-Party Democracy, Oscar Dhlomo.

SO this is a new South African. Sitting on the other side of the desk in his shirt sleeves, unashamedly chain smoking and eating take-away chicken curry, is Oscar Dhlomo.

The man who wants to help pilot us towards his vision of the good life — multi-partyism, democracy and tolerance — is freshly back from the triumphant launch of his Institute for Multi-Party Democracy in Cape Town.

Dhlomo has a clear picture of what a new South African would be, and there are no prizes for guessing such a person sounds just like a product of the IMPD.

"A person with a new outlook on life who will cherish democratic values. Who will be able to judge people as human beings rather than racial entities. Who will make an effort to reach across to other people of other cultures. Tolerance of other cultures and points of view will also have to be part of it."

There are not many of them around, "but there is no reason why there should not soon be more".

"Our socio-political environment has not tended to encourage this disposition. In the past you could live comfortably without bothering to inculcate these values.

"People have not been challenged. But there is no reason to believe there will not be more of the new breed soon. There are many factors helping create them: the growing irrelevance of skin colour and race as a criterion for categorising people and deciding their worth. In its place real values are taking over."

There are a number of milestones along his journey towards the new South Africanism he hopes to see flourishing across the country. At home, as the fifth child in a family of 11, he learned from his parents the value of family life, respect for other people and getting along with them — a gift he acquired from his father who made friends very easily.

From his father, the first black transport operator in the province with a fleet of buses running from Umbumbulu to Isipingo, he also picked up business acumen and an uncanny knack for being able to diagnose the trouble with cars. He learned a love of education and how to combine commercial interests with deep community involvement.

Another major influence was his university experience which taught him a fierce love of free-



OSCAR DHLOMO

dom and academic independence. He spent 10 years as an academic and during his time as a politician he often missed this intellectual freedom and objectivity.

"It was always a struggle to reconcile ideological loyalty to intellectual independence; it produced a strong tension in me."

In the late 70s he made his first trip overseas, from a society which was rigidly authoritarian and in which grand and petty apartheid was rampant.

"I thought there must be better political systems than this. And indeed there were."

The excitement of that first trip is still with him as he recalls: "It was a university travel fellowship to do research on my doctoral thesis. I came to this society which appeared completely free."

"So many newspapers in the streets. I did not know what to buy. I spent a fortune on papers. So many channels on the TV. Such questioning of senior political people including the prime minister. I went to Hyde Park Corner. They were virtually insulting the British Government, yet there were the police keeping order and allowing them to do that."

"I could stay in hotels and go into train compartments and restaurants without having to look first for a notice saying 'whites only'."

"Then I visited universities and colleges of education and found them relaxed and non-authoritarian. As I suspected, there was another way, and I liked it."

Further travel since then has continued this broadening education and confirmed his belief in the need for a more open society. All this was formative

for his role as minister of education and culture in KwaZulu, and his extraordinary competence while in effect KwaZulu's number two politician brought him the attention of a much wider audience.

He also impressed as leader of the Inkatha delegation during peace talks with the UDF/Co-satu, and the scuttling of those talks and their joint peace plan was due to circumstances quite beyond his control. The Indaba and the KwaZulu/Natal Joint Executive Authority put him further in the limelight and enhanced the impression of his competence.

The wide experience of his background combined with his other gifts has made him a highly desirable "catch" for any political organisation — the Government offer of the plum ambassadorial posting to Washington, and the ANC's eagerness to have him on board are testimony to this.

But he prefers (certainly at this stage) to have a different role, claiming it suits his personality better not to have to forfeit intellectual independence for party discipline, and that he dislikes the insincere social relations which he feels politicians have to practice.

At the moment he is in a kind of political limbo, carving out a role for his IMPD. But he has a quite separate and well developed reputation, so regardless of its success, his personal prestige means that he could at any time be called on to play the role that in any case best suits his skills and temperament — as one of the midwives helping bring the new South Africa to birth.

When he allows himself time off he likes nothing better than to put on his sandals, shorts and a slogan-free T-shirt and spend time walking on the beach which borders his south coast home.

What does he think about as he walks? Politics, the future of South Africa. Or Liverpool and Manchester United, clubs the former first team soccer player backs enthusiastically. But also perhaps his own road less travelled — if chance had dealt the cards differently he might have been a minister of religion or a lawyer.

And when his beach walk takes him into fantasising about what he might do one day, it could be a pet dream — of establishing a newspaper for the whole of Africa to bring closer together a continent so much in need of democracy, tolerance and communication.