

')AcÃ@defxiiÃ© i-\\202allÂ\$ of developments in international law

ANC fight

THE DAY NEWS

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PRETORIA: Developments in customary and international law during the last 40 years created â\200\230the impression that the struggle waged by the African National Congress was acknowledged abroad as a â\200\234just war of national liberationâ\200\235, Stellenbosch international relations expert Professor Gerhard Erasmus told the Supreme Court here yesterday.

~ He was the second of two University of Stellenbosch academics |to give evidence in mitigation of sentence in the trial of senior ANC member Ebrahim Ismail Ebrahim.

_Ebrahim, who has already

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Daily News
Correspondent

served a 15-year sentence for sabotage, has been convicted of treason together with Acton Mandla Maseko. A third accused, Simon Dladla, was found guilty of terrorism. He was acquitted of treason because his South African nationality was in doubt.

All have been linked to landmine warfare in Mr Justice Danielsâ\200\231s judgment, delivered in November.

Ebrahim was found to have conveyed instructions on the conduct

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of landmine warfare from ANC headquarters to the Transvaal military structures. 5 f

Maseko and Dladla were judged

to have been personally involved in the laying of landmines in the south-eastern Transvaal in the first half of 1986.

Professor Erasmus said there were three major areas in which developments supported the conclusion that the ANC was viewed as a national liberation organisation engaged in a just war. These were:

O Within the United Nations, where there had been repeated resolutions condemning South Africa's racial policies, accepting ANC and the Pan-Africanist Congress as legitimate

representatives of the people of South Africa and designating ANC activities as a just struggle. O In military law: in 1977 two protocols were added to the Geneva Convention. These extended humanitarian protection to combatants engaged in non-declared wars.

- Wars of national liberation, waged against colonial and racist regimes, were recognised as international conflicts and participants could claim the right to prisoner-of-war status.

O The practices of individual states in relation to South Africa.

W This included their willingness to allow the ANC a presence in their countries and to adopt sanctions against South Africa.

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Earlier in the day Professor Johan Degenaar told the court: â\200\230â\200\234Any group of people, including the Afrikaner, would come to a similar decision (to resort to armed struggle) if they were victims of structural violence and if their non-violent strategy â\200\224 pursued for decades â\200\224 was ignored.â\200\235

He believed all forms of political violence â\200\224 State violence and revolutionary violence â\200\224 were morally wrong.

â\200\230â\200\234â\200\234The judgment is clear. Both types of violence are morally unacceptable. But we need more than a correct judgment. Â\$

â\200\234We need a liberating narrative, a story that acknowledges the equality of all participants, allowing all to become fully fledged characters in the next chapter of the |

story of building a South

African nation.â\200\235

Professor Degenaar, whose discipline is political philosophy, said he believed everyone could play a role in developing a n{;w â\200\234storyâ\200\235 for South

judge in the present trial
Evidence in mitigation

~ continues today.

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Martm Challenor
Political Reporter

MR CHRIS Heunis, Minister of Constitutional Development and Planning, had to accept the tough preconditions which Dr Mangosuthu Buthelezi had set for talks with the National Party before the Inkatha leader would sign yesterday's historic negotiation agreement, a Government source in Durban said today.

The two men agreed to set up a committee to iron out obstacles to negotiations.

The preconditions Dr Buthelezi had set for talks were that they must lead to the dismantling of

apartheid; must go hand-in-hand with the release of senior political prisoners such as ANC leader Nelson Mandela; and that all real black

leaders could take part in negotiations for a new Constitution.

to form a joint committee :

cepted these points, according

source, who also said that Dr Buthelezi would insist that the talks not be confined to KwaZulu. A W

telex :

Both sides have decided on their joint statement for the talks yesterday. It said:

Recognition of the fact that there

is an urgent necessity in solving political

problems we have agreed that a joint committee will be appointed by our two Governments to identify and address these obstacles

as well as to formulate

principles on which there is common ground.

â\200\234The committee will
report back to the re-

_spective Governments,

and upon the receipt of

such a report a further |
' meeting will be held be- || -
. tween us.â\200\235 4

Dr Buthelezi has al- . 18
ways said that he would |
not get involved in a |
â\200\234talk shopâ\200\235 over negotla- \
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. said. â\200\234Dr Buthelezi'was g

being consistent and

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terdayâ\200\231s talks.

ical problems of South Aï-\201cï-\202and in |
the acknowledgement of}i', ;
- the fact that there are
. obstacles impeding the |
. process of negotiations,

â\200\234He would not have al-
lowed the talks to go any |,
further unless he were
certain that his basic
preconditions would be
met.â\200\235

s in South Africa have
said over the years that -
-ï-\201ley would talk to the

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- Government if it led to

the end of apartheid, and
if all leaders were re-

- leased from jail to take

â\200\234part in the talks and that
everybody was invited.
- The source said that
the talks took place at
Mr Heunisâ\200\231s initiative,

Countless black lead- |

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A clea y tired and distressed Mr

- KwaZul, MP for Swayimane, yes-
terday spgke to CHRISTELLE DE
JAGER to*â\200\230put the record straightâ\200\235
on recent events in his area and al-
legations that the New Yearâ\200\231s Eve
| attack on his home was linked to
| the forced recruitment of commu-
- nity members by Inkatha. The at-
tack and ensuing gunbattle left
. about 15 people dead, one of them

an Inkatha member who was a

house guest of Mr Ndlovwâ\200\231s.

â\200\234I HAD been expecting an attack for
some time. We thought it would hap-
. pen on December 16 but it didnâ\200\231t
materialise. Every day since then I
have been waiting for it and was
well-prepared. I think the crowd at-
tacking my home was taken by sur-
prise that I was so well-defended.

â\200\234But I am not proud that so many
people, youths who were being used
by their adult leaders, died. It is a

- tragedy and every life is valuable but

I will continue to exercise the full
rights of the law to defend myself, my
fagx:iily and my property,â\200\235 Mr Ndlovu
said.

The man is who a member of the
KwaZulu Legislative Assembly and
Inkatha is a nephew of former Rob-
binIsland prisoner and ANC leader,

â\200\230Mr Harry Gwala.

He said he had been brought up by Mr Gwala, who had paid for his education, and had lived with him in

Pietermaritzburg from standard 2

Thanduyise â\200\234Psychologyâ\200\235 Ndlovu, = onwards.

As a young boy he lived in Swayi-

" mane with Mr Gwalaâ\200\231s brother, the

â\200\230Reverend Caiphas Gwala. It was from Caiphas that he got his nickname â\200\234Psychologyâ\200\235.

â\200\234Caiphas was studying psychology when I was eight years old. He teasingly called me Psychology, saying that it would make me clever, and

he name stuck,â\200\235 he said.
Â¿ 1?1? Ndlovu has denied that the

were KwaZulu policemen and that the attack was as a result of community-resistance to a forced recruitment by Inkatha in the area.

â\200\234There was only one member of the KwaZulu police present. That

was my son who was visiting and was off-duty,â\200\235 he said.

~An S AP. spokesman said this week that KwaZulu police were present during the attack and had been guarding Mr Ndlovuâ\200\231s house for some time. He was also responding to community allegations that the â\200\234house guestsâ\200\235 were heavily-armed

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KwaZuulu policemen.

Wartburg falls under the jurisdic-

tion of the S.A.P. and the KwaZulu police do not have authority in the area.

Mr Ndlovu emphatically denied yesterday that either in his personal capacity or as a member of Inkatha he had forced people to join the

organisation.

It is political suicide to force people to join an organisation they do not want to join. You cannot count on the support of those people. :

Anybody who feels that they have been forced to join Inkatha can take the matter up with the Chief Minister or the Inkatha Central Committee.

Inkatha is an organisation for the

People not against the people.

Mr Ndlovu believes that those who are making the forced recruitment

house guests who helped defend- allegations are trying to get political the house and shot at the attackers:

advantage in the hope of becoming the negotiators with the Government. s

It is a power struggle negotiation.

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They do not want Inkatha at the

negotiating table, he said.
Mr Ndlovu said

assailants,

Expecting a major attack to be
launched on his home on December 16, his attorney wrote to the station

commander at the Warthburg. He
requested police to hand over his .303 rifle, for which he had also earlier asked for a licence, but had to date not the reason for wanting the weapon, he said.

Mr Ndlovu during early December his life had been threatened and he had been shot at by unknown

It is a

Mr Ndlovu said in the same letter his attorney had asked for details of the case for which the firearm would

be required and had asked for police

to provide him with protection or supply him with another weapon to protect himself if they confiscated his rifle,

We have received no reply and

the weapon has not yet been confis-

cated, he said.

Mr Ndlovu said he would not have been able to protect himself adequately without his rifle because the only other weapons he had were two handguns.

When asked about the several sophisticated weapons openly being displayed when a Natal Witness team visited his home last week, Mr

Ndlovu remembered that a shotgun was also licensed in his name.

He said the other weapons at his home were all licensed by friends and family members, who were protecting him. :

is official bodyguard, Philiswa Gwala (18), a special constable who was sent to guard him by the KwaZulu police, had been killed on December 31 and had not been replaced, he

Mr Ndlovu said it was routine for the KwaZulu police to provide KwaZulu MPs with trained bodyguards.

I am entitled to protect myself and my family if my life is in danger. But I am also sad about the violence in my area and do not want people to

It would be easy for me to be a coward and leave, but I am the democratically elected representative for the area and must be there for my people. I will not leave.

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