

&y Jo-Anne Collinge

About 200 residents of Stendah]

ion, Natal, face removal to-
morrow unless they mount a
Successful last-ditch legal effort
to halt the eviction,

The Lutheran Mission, near
Weenen, is now owned by an
agricultural concern, Sun Valley
Estates, and residents are to be
removed as squatters under the
1936 Lands and Trusts Act, ac-
cording to a Spokesman for the
Association for Rural Advance-
ment (Afra) ;

He said residents had been .
told Government vehicles would

arriving tomorrow to move
them to the huge Waayhoek re-
settlement camp in the Lady-

' smith area. G :

The spokesman said it was as-
sisting residents to consult law-
Yers in a bid to halt the eviction
by obtaining an urgent interdict.

- The Department of Co-opera-
tion and Development has ear-
/ marked. the entire Waayhoek

3 ~frem white farmjand.
i Waayhoek thye weeks ago,â\200\231only
g thgfgi~\201?@t â\200\230infrastructure had
% Jio sehools or clin n the area,

@ white farmer â\200\230who uses it ag
grazing. He said there.had been
ongoing friction between farm.

' -and suspected that this was a

actor in their sudden removal,

[| Official- comment -0 the
* threatened: action against Sten-

Â© dahl residents was not available -

. at the time of going to Press;

â\200\224â\200\224

â\200\230camp for families displaced

. When' Star Africa Visited |

vided and; there. were:}

" According to Afra;ihe land at
' Ste@ahqulet by the ownegs to - _

~ .â\202¬rs and residents at the Mission

HP/â\200\230TS%A?. e SRy

NOW that five of the
Consulate Six face
charges of high trea-
son, the public is won-
dering what this
means. Since Roman
times the Law has re-

acts which encroach
upon the power, dig-
nity or authority of
the State are punish-
able.

The State possesses
- majestas, and any
hostile encroachments
on this august quality
have, for over a thou-
sand years, been
branded as crimen
laesio majestatis.
South African courts
have adopted this
Roman Law concept,
. resisting the influence
of English Law princi-
ples which are the
product of its idiosyn-
cratic history. The
question of whether the

* the King of England or
the Government of
South Africa has fallen
away since South Afri-
ca became a republic.
South Africa is a sover-
eign State to whom all
its people owe alle-
giance. Political con-
siderations of whether

~ cognised that certain

majestas resided in

Treason law: hate
need not be a factor

By CHURTON COLLINS

the Constitution is
democratic or not are
irrelevant. .

The great treason

trials after the Jame-

son Raid, the Boer.

War, the Minersâ\200\231 Re-volt, the second world war have studded South Africaâ\200\231s history. More recently, in the

famous Treason Trial

(1958 to 1961), 92 people were alleged to have conspired to overthrow the State.

Most acts of treason have been committed in times of war when the accused has actively assisted the enemy with hostile intent to coerce the State to which he owes allegiance. He need not be a citizen of the state â\200\224 mere residence is sufficient to create â\200\234allegianceâ\200\235.

The act designed to overthrow or coerce the State must be done with â\200\234hostile intentâ\200\235 to be treasonable. This does not mean that the accused must have been animated by feelings of hatred or ill-

will towards the State.

.In: the trial of Robey .Leibbrandt in 1944 for

example, Mr Justice Schreiner said: â\200\234Whatever the factors are that induce a citizen to entertain an intention to help the enemy, if he acts in order to carry out that intention he commits an act of treason.â\200\235

However a person who promotes defiance of the Government among a small group

of people cannot be _ said to intend to coerce

the Government, even if he is motivated by intense hatred. If any conduct, intended to weaken the Governmentâ\200\231s authority were

_ treason, little would be

left to distinguish treason from the lesser offence of sedition.

It follows that a lawful or constitutional attempt to bring down the Government can

. never be treason, even

if it is perpetrated in burning hatred of the Government.

With the introduc-

tiop- of the Terrorism

.Act, now contained in

the Internal Security Act, legal commentators believed that the crime of treason would

fall into disuse. However-

er in recent years this trend has been reversed, and a number of members of the militant wing of the African National Congress have been convicted of

treason for committing

acts of sabotage. The trial of Miss Barbara Hogan is a recent example.

By the nature of the crime, every attempt to commit treason is in fact treason. There is no such thing as a conviction of â\200\234attempted treasonâ\200\235.

It follows that high treason consists of any overt act unlawfully committed by a person, owing allegiance to a State possessing majestas, who intends to impair that majestas by overthrowing or coercing the Government of that State.

Hostile intent is not
required for the crime
of sedition. g !

â\200\234The Internal Securi-- -

' .ty Act, with which the

five fugithes havâ\200\230
been charged in the al-
ternative, widens and
defines in more detail -
the types of conduct
that are deemed to be

~ inimical to the majes-

tas of the State.

There is no differ-
ence between â\200\234trea-
sonâ\200\235 and â\200\234high trea-
sonâ\200\235, the latter merely
being the full and offi-
cial legal designation
of the crime.

Typical acts of trea-
son are giving infor-
mation to an enemy,
broadcasting propa-
ganda on behalf of the
enemy, inciting rebel-
lion and conspiring
with others to rebel,
taking up arms to
erce the Governme
to change its policy,
trying to bring about
unconstitutional seces-
sion of a region, plot-
ting against the Head
of State or members of
the executive, and plot-
ting the complete over-
throw of the Govern-

â\200\230 ment or replacement

of the constitution.

f

| Two sï¬\202â\200\231vâ\200\230e and diabolical
. confidence tricksters,
" runaway tycoons John
- Woods and Jonathan
- Doyle, topped the bill for
Rotoriety this year,

- Arrested and charged
with property fraud in-
volving more than
R6 million, they predict-

∴ ably jumped bail of

. Passports

e

By Joe Openshaw
and Janine Simon

R50 000 each and skipped
the country on British
(one Stolen)
through Swaziland, evad-
ing trial and leaving

scores homeless and dis-

Possessed.
\The seamier side of

e fraud 4n

Johannesburg nightlife
was exposed with mul-
tiple appearances on

es of gang murders
at two nightspots.

Nine well-built and
well-heeled young men,
said to be members of
the Bouncers gang ac-
cused of terrorising
nightclubs, were accused

o N TR

lence

of public violenc;;;i the

â\200\230September shooting of

Res Club manager Mr
Lourens Snyman,

On August 13 outside
the Club Imagination in
Melrose Street, Breeds
motorcycle gang leader
Mr Johnny Wing Law,
Breeds member Mr Alex
Rufus and the Stepchil-

V10

dren motorcycle gang
leader were killed by a
rooftop sniper and a man

with a 12-hore shotgun,
Mr Hans Grote and Mr

Douglas Cooper face

charges of murder.

- These cases involved

group violence, also re-

flected in a night of ram-

pant revenge by three

whites in Randburg,

They admitted ter-
rorising streets in search
of blacks they assaulted |

with pick-handles,

Mr Mark Macedo, Mr

Richard Kegel and Mr
Joao Loureiro pleaded
not guilty to â\200\230murdering
two blacks and attempt-
ing to murder another.
\â\200\234â\200\224E

| parents were

They were said to have
confessed after arrest to
assaulting blacks to
.avenge the death of a
friend who had been
stabbed by blacks.

Baby-battering cases
made headlines,

One which chilled to

the marrow involved the

death of three-month-old
Cadence Anstee whose
charged
with murder.

Her father, Mr Steven

| Anstee, admitted when he

appeared in September to
biting, beating and
punching the baby from,
the State alleges, the day
| of her birth.

Mrs Catherine Anstee

| Wwas dramatically arrest-
ed outside a Johannes-
burg court a week later
and charged with mur-
der. ;

It was said she had

concealed the facts of

enceâ\200\231s assault,
- The child died in inten-

| sive care of cerebral

haemorrhagÃ©.

These cases will be fin-

alised next year.

In contrast to this

mass fraud and social
violence, the last minutes
of a ten-year-old girlâ\200\231s
life came under micro-
scopic scrutiny in a four-
day trial for culpable
homicide of two doctors
who performed her fatal
tonsillectomy.. â\200\230

Michael Kramer, 71-
year-old surgeon, was
fined R1000 or 200 days
and Jack Katzel, who ad-
ministered the anaesthet-
ic, was sentenced to
R6 000 or 1000 days.

And in keeping with
the saying â\200\234The law is an
assâ\200\235, the see ly inno-
cent act of Pphotocopying
R10 notes as Props for a
TV serial landed a sub-
sidiary company of Elmo
de Witt (Pty) Ltd with a
conviction under the
South African Reserve
Bank Act for reproducing
legal tender. â\200\231

' The company and of-

fending film crew
escaped with a warning.

Earlier this month a
wanted rapist was arrest.-
ed only hours after he
was said to have raped
a Northeliff woman; and
he confessed in court to
two rapes. g

Twenty-year-old Rod-
ney Hartslied said he
broke into the homes of
lone women, threatened
to kill them if they told
Police, then raped them.

His plea was changed
to not guilty because he
told the court the women
did not stop him.,

Finally Robert Bennie,
a five-time sex offender
found guilty of sodomy
with children, had the
part of his brain control-
ling sex drive surgically
destroyed and was or-
dered to appear in 1987
for sentence,

Only then will 1984
face the test of this Or-
wellian action, 1

For the forces opposed to
the ideology of apartheid,
1984 will be remembered
as a year of considerable |
success. '

At home in South Africa
three formidable
institutions, seen to

' represent the
cornerstones of a
structure designed to

i perpetuate apartheid,
end the yearina

' battered condition.

' @ Black education is at

| best in considerable . |
trouble and at worst on |

| the brink of collapse. |
@ The new tricameral .

. Parliament has its first |

- full sitting next year

hampered by a crisisof |

credibility after a -
massive stayaway from '
_the polls in August.

. By Gary van Staden,
.. Political Reporter
| @ Black local authorities,
' the only slender link the
urban black has to the
corridors of power, were
all but destroyed. :

~ Abroad South Africaâ\200\231s
image in general and .
apartheid in particular
were tarnished by the
Durban Consulate affair
and a new upsurge in
anti-South African â\200\230
demonstrations in
America. <

World leaders deemed
friendly towards the
Pretoria Government |
such as British Prime
Minister Margaret
Thatcher and American
President Ropald Reagan
were swept along in the |

anti-apartheid tide:
But while the campaign

. abroad and the consulate
. affair provoked little
| more than an :
embarrassed â\200\234Keep your

noses out of our affairsâ\200\235
reaction from the South
African Government,
other damage was not

. so easily dismissed.

Black pupils in South
Africa continued in 1984

" a class boycott which had

begun the previous
October. :
The numbers of black
students staying away
from school in protest
against an inferior edu-

.. cation, harassment_and
~ lack of representation

varied during the year
from a few thousand to
a peak of over half a

tricameral elections.
The Department of

' Education and Training
made some concessions,
including the right of the
pupils to Student
Representative Councils:
but the boycott went on.
At times, notably during
the unrest in September,
even some primary
schools were involved in

' a boycott which has done

considerable damage to
black education.

] There are highly

qualified observers who
say that if the black
school boycott continues
for a few months into the
New Year, the system
faces collapse.
Others claim that the
structure can stand the

â\200\224HE tsî¬\202m

aril

. new tricameral

s:tx;ain. _
- Time will be the test of
| that, but there can be no

~ denying that the school

boycott was an effective

anti-apartheid weapon.

The second apartheid '

structure to come under

fire from the â\200\234antiâ\200\235

lobbies was the proposed
Parliament with its
limited extension of the
franchise to two other
population groups.

| Almost from the moment

. the plan saw the light of

~ day it came in for heavy
criticism from i

| anti-apartheid :

' movements.

| â\200\230'While the government

) and its allies among the

| â\200\230coloured and Indian
communities attempted

| million during the August | to sell the plan as a vital

| first step in the reform
|| process, opponents
" attacked it for
entrenching apartheid.
Participating party
officials said that
- anything above a 40
- â\200\230percent poll would be a
| workable mandate. i
They were proved to be
' over-optimistic when
polls of registered voters
of around 30 percent .
(coloured) and 20 percentl
(Indian) were returned. |
If percentage polls are
calculated on eligible
rather than registered
voters, which is the
norm, then both polls
~ plunge to under 20 |
{â\200\230_ percent.
The South African
Government and the |

lii-202 |

participating parties
claimed that despite the
-low polls it was still a
mandate.

_But the only ones
celebrating after the two
election days were the

United Democratic Front

and the National Forum,
two of the most powerful
anti-election lobby
groups. 230
Those favouring the
election, aided by the
Government and the
SABC, sought to explain
the success of the boycott
by blaming intimidation,
apathy and ignorance.
But as one anti-election
campaigner said: 234The
system was rejected,
quite simply, because the
people didn't want it. 235 -
The black local
authorities, the urban
black's only thin thread

- of representation, have

- always suffered a '
credibility crisis.
The percentage polls in

231 council elections have a

- history of being very low,

Some as little as five
percent, and accusations
of corruption are rife.
Credible or not, the

| councils struggle
until one day, 201 i

| September when

| township after townshi
followed the Vaal .
- Triangle in an orgy of

violence.

| Councillors were brutally

murdered and their
homes and businesses

. mercilessly fire-bombed.

Rejection of the system
manifested itself in

s
k
£

image

bloodshed.

Since those early
periods more than 150
councillors have
been driven into hiding
Now even modern
black leaders have joined
the chorus of criticism of
black local authorities
and are urging the
Government to come up
with something better. p

This has left
the institution, the
Development Ministry
headed by M. Chris
eunis, who is
the head of the
The struggle in South

Africa exacted a high
Price in 1984 . . .

Premium the count

cannot afford
paying. But keep on

7 A,

Ã©%o 10 apa

THE International Cenieren i
Unioes has called on Earopean goverments to
take â\200\234wgorous diplomatic, economic_and com- |
- mercial=igp-"dgains: Syath Africa, - - JLIsteIS v -
Â£ A TESIUTOL taken by the unionâ\200\231s Bxacdiive:

. boardaacebing in Brussels calls for the Earopeay .
- Council of Miristess to ldÃ©ntily wavs Fb&Fnrsne.
1 of providing for actor to eradicate apartheid in
South Africz. =~ - -

The board has also asked the Europear Free
Trade Asscciation 10 associate itself with the Eu-
ropean Ecoaomic Countriesâ\200\231 code of conduct,
and adopi s'milar measures in regard to econo-
mic aad commercial contacts with this country.

~Conference

The resoivtion demands th:t the South African Â\$
Government should enter int an immediate and
unconditional conference with ali leaders rep-
resenting blacks to develop a constitutional pro-
posal which guarantees â\200\234one man, one vote, and
individual freedoms in an undivided South, Afri-

2 i

It says it was appalled at the deployment of
troops and police to quell mrass legitimate protest
-against the recert constitutiona! changes, which
â\200\234perpstuate the majorityâ\200\231s exclusion from the de-
cision-mzkiag processes in their owr: countryâ\200\235,

This deployment, the board adds, has re-

- sulted in the killing of 160 people, -including
-children, and the wourding of hundreds It af-
firms its conviction that the â\200\234ruthless repression
of the regime will not crush the commitment of
black people to secure basic democratic rightsâ\200\235. . E

R e e

THURSDAY, DECEMBER 20, 1984

TER

By MZIKAYISE EDOM
mostly women

[illegible]

THIRTY-ONE people,
some with babies on tifeir
the open at the offices of

demolished in Daveyton, Benoni,

week.

eight shacks

The families, all members of the Sinaba Party which is led by controversial _councillor Mr Shadrack Sinaba, an opposition member in the Daveyton Council, erected their shacks on Monday night.)

Families told The SO-
WETAN yesterday that
they were given permis-

sion to erect their shacks

by Mr Sinaba after they
had paid RS0 a family

for a $\hat{a}_{200\backslash234}$ shack permit $\hat{a}_{200\backslash235}$ for .

the 234sites at the farm.
The youngest member

of the group which spent

the whole of Tuesday

night under the veran-

The families had earlier in,
at the Holfontein
skirts of Daveyton, protesting against the housing
shortage in the area. - v RS

- eight-months-old. The families had to seejks:

Town |

. cover under the veran=

dah as it was raining
most of the night. So
of the people had
warm clothes and had t
look for wood to mak
fire. :

Mr Sinaba has
firmed allowing the fam
ilies to erect shacks @
the farm but has denie
collecting R50 froi

. each family and givi !
them permits and sites *

to put up structures.

Chased

He said: Mice: poo-

ple have nowhere to go '

and most of them have
been chased away by
house owners where

ghe'Week erected
farm on the out-

backs slept in
the East Rand

Development Board after their shacks were

this -

R e

- they pfeviously stayed.
For the past two years
, now thp Daveyton Town
) Council has - promised

own houses but until
now nothing has hap-
pened.

The families, Mr Si-

4 n_aba said, would con-
finue erecting shacks at
the farm until they were
allowed to have a roof

| over their heads and
lead a decent life like
anybody else.

'Na school, saygggqs
ki rqgy {

No
l S@ ; ymwm

N Y
Â«NO SCHOCLING next year until our cemand are â\204¢
_me:,â\200\235 a statement from the Congress of South Afri-
. can Students said yesterday.

â\200\234It will be berrayal on our part tc go back while
many of us are still languishing in detention and the
Department of Education ar.d Traning is still refus-
ing to alio w us to draw our owa SRC constitution,â\200\235
the statement said. :

PHONE: 673-4160

THE 39TH annual session of the United Nations General Assembly has ended with two to

officials decrying the lack of progress towards Namibian independence. ;

We hope Mr Chester Crocker, who is among the leading voices supportive of that country's constructive engagement policy with South Africa, is taking note.

Both the United Nations Secretary-General Mr Javier de Cuelar and General Assembly presi-

dent Mr Paul Lusaka pointed to ,

the impasse over the territory as one of the disappointments of this year's three-month assembly meeting, attended by representatives of 159 nations, reports yesterday said.

They said the major stumbling block was the linkage of a Cuban troop withdrawal from Angola as a precondition to the implementation of Resolution 435, the United Nations blue-print for

Namibian independence. One of the burdens that have to be borne by the Americans and their officers who initiated constructive engagement with this country, is the stalling on Namibian independence.

In fact we would advise the initiators of this policy to give a single fruitful move that the policy has produced in this region. The most unfortunate thing too, is that it was America who put the seed of the Cuban troops' withdrawal as a quid pro quo for independence, in the minds of South Africans.

The flurry of activity around this problem which involved five western groups and the Americans seems to have been a waste. Earlier this year it seemed as if the indications were that Nami-

bia would be free by the end of
this year. :

SOWETAN, Thursday, December 20, 1984

This feeling was intensified
when it appeared that the South
African Government was finding
the expense in occupying the ter-
ritory militarily and otherwise
pretty heavy. In fact the Presi-

dent, Mr P W Botha, when he

was on his European tour made
the rather extraordinary offer to
those countries to take over the
very expensive administration of
the region.

The above scenario is wholly
played out in the hothouse of
world politics, in the interna-
tional corridors of power. The
people who are suffering phys-

ically and sometimes dreadfully

because of South African occupa-
tion of the territory, are the
Namibians.

The war with Swapo will con-
tinue with all the difficulties and
the misery involved in such liber-

atory wars. The people of Nami-
bia, who are in the main fully
supportive of Swapo, must be
sick and tired of South
Africa.

SOWETAN, Thursday, December 20, 1984

A MÃ©ADOWLANIyÃ©

Soweto, father Yesterday

80t a shock when he dis-

covered his son was the

African National Con-

gress guerilla gunned

down by Swazi police in
on Sunday.

Mr Linda Ngcobo

(59), the father of the

man discribed by police

as g crack ANC Ã« t

Janâ\200\235, Jabulani Andrey

Sono Ngcobo (26), the

fourth of 10 children,

said he last saw his son in

April 1977, before he

fled the country to Swa-

ziland at the height of

unrest in S.A.

When reporters left

the Ngcobo family the -

dead manâ\200\231s mother, Mrs

Cecilia Ngcobo (48), had

not yet arrived. Her

other son, Chris, said

there was a strong possi-

bility his mother did not

know about the death as

she only read news-

Papers when she got

from work,

First time

saw the news of my sonâ\200\231s

death for the first time in

an

whether he was alive or

dead. We kept our ears

open hoping to hear

some from him or

about

â\200\234Now that he is dead,

we have to force our-

selves to find comfort in
the fact that we know at
last what became of him,
His activities during his
life in exile were only

SOWETAN Thursday, December 20, 1984

TWO DOMINANT ideologies in the black community are going on an all-out campaign to politicise unions along their own thinking. JOSHUA RABOROKO talks to Patrick Terorâ\200\234 Lekota, UDF publicity secretary on the campaign to have as many unions as possible to - the PD (Progressive Democrat) line and join the UDF. Tomorrow he looks at the BC (Black Consciousness) unions.

I
The controversy of
trade unions aligning -
themselves to political
organisations has assumed a sharper focus in South Africa recently.

This controversy =
seems to have been
sparked off and highlighted by the formation of the United Democratic Front â\200\224 an organisation seeking to coordinate a wide spectrum of organisations previously acting independently.

Since its inception last -
year there has been debate among trade unions, especially emerging ones, on

whether or not to affiliate |
ate to the organisation.

See
Some unions have argued

that there is a very
thin line that can be
â\200\234 drawn between political
and labour issues,
whereas others have expressed views to the contrary.

Secretary, Mr Mosiuoa |
â\200\234 Terrorâ\200\235 Lekota expressed
theâ\200\230 position by |

\
3}

saying that the UDF is
an alliance of workers,
your church, sporting

organisations and so on.

The UDF is an alliance specifically in opposition to the constitutional proposals and the Koornhof Bills. It is an umbrella body seeking to co-ordinate organisations previously acting

independently, he explained.

He added that they were not satisfied because they have not received as much trade union support as they had hoped for, however we see the participation of workers in the UDF as important.

The more workers that come in the closer we are to gaining a truly national character.

South Africa is still under colonial conditions

and the struggle against I

imperialism is a struggle against capitalism. For

this reason the working class must provide the backbone of the struggle.

UDF's publicity section must provide the backbone of the struggle.

gle.?

_ Non-racial

y national character

tion which means that they embrace all races and bring together all classes.

ers and middle classes in the UDF was discernable, but a significant section of the working class in some major trade unions still remains outside their fold.

have a contribution to

said they have, because some have shown their rejection of the apartheid laws, such as influx control, mass removals and have even refused to join the army. - However, he continued, he saw other unions taking up political issues as well after workers have turned to them. He added that to link to the community-based organisations is

UDF could be used to fight these issues directly.

| He added that some

led by some of the independent unions that the UDF is dominated by middle class people and workers it difficult to participate.

'| he meant that UDF was a non-racial organisation

The presence of workers

He conceded this, but said that workers

: ' ; -must join to give the | i- \201r Lekota said that | i

\200\230' UDF direction and make their voices heard. | Asked whether affiliation to the UDF may not | sway the political thinking of workers, he

nisation has not forced

any union to join. Every

union will consider whether or not to join and the democratic processes within the unions will take their course.

- Asked whether whites

make in the struggle, he |

not to â\200\234sell-out,â\200\235 The â\200\230

criticism has been level-.

He added that the dis-

TERROR. LEKOTA:

Workersâ\200\231 participation

in the UDF important.

unity among unions is disappointing. UDF has

sent a letter to the feasi- |

bility committee giving solidarity to the unions in their search for unity.

answered that the orga- |

Organised

â\200\230-i-1;We also stated that workers must be organised beyond the factory and need to form an alliance with other classes and that the UDF is the best forum for this.â\200\235

Referring to individual membership by workers, he said that the problem with a â\200\234loose affiliationâ\200\235 was it would not be easy to co-ordinate and mobilise the people. The situation would be greatly improved if unity on the factory floor and unity in the communities could be achieved.

â\200\234It will thus be easier to take actions and to take decisions if the trade unions had already

formed themselves into

a single federation.

He said once a union has joined UDF it retains its independence. It cedes the independence only in regard to opposition to the constitutional proposal and the Koornhof Bills.

However, Fosatu's general secretary, Joe Foster has different ideas on trade union affiliation to the UDF. He believes that Fosatu comprises people who have different political ideologies and making them affiliate to any political organisation

' might pose a problem. we support Sqay or-

nions and the UDF question

organisation that fights apartheid, and other horrendous laws, but we cannot

.. not find ourselves affiliating to any of them.

We have opposed the

new constitution, supported

the stayaway, condemned detention .5

One of the country's biggest emerging trade union federations, Council of Unions of South Africa (Cusa) has

also pledged solidarity

to the UDF in their fight against the new constitution;

but was not affiliated

to the organisation as such.

The Media Workers Association of SA

(Mwasa) was forced to

splic regarding the ques-
tion of affiliation to the
UDF.

POMETAN, Wy Nop 0 0g,