

Bid to halt THE STAR removal of 26 Nov. 84 200 in Natal

By Jo-Anne Collinge

About 200 residents of Stendahl Mission, Natal, face removal tomorrow 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, according to a spokesman for the Association for Rural Advancement (Afra).

He said residents had been told Government vehicles would be arriving tomorrow to move them to the huge Waayhoek resettlement camp in the Lady-smith area.

The spokesman said it was assisting residents to consult lawyers in a bid to halt the eviction by obtaining an urgent interdict.

The Department of Co-operation and Development has earmarked the entire Waayhoek camp for families displaced from white farmland.

When *Star Africa* visited Waayhoek three weeks ago, only the barest infrastructure had been provided and there were no schools or clinics in the area.

According to Afra, the land at Stendahl is let by the owners to a white farmer who uses it as grazing. He said there had been ongoing friction between farmers and residents at the mission and suspected that this was a factor in their sudden removal.

Official comment on the threatened action against Stendahl residents was not available at the time of going to Press.

Treason law: hate need not be a factor

By CHURTON COLLINS

NOW that five of the Consulate Six face charges of high treason, the public is wondering what this means. Since Roman times the Law has recognised that certain acts which encroach upon the power, dignity or authority of the State are punishable.

The State possesses *majestas*, and any hostile encroachments on this august quality have, for over a thousand years, been branded as *crimen laesio majestatis*.

South African courts have adopted this Roman Law concept, resisting the influence of English Law principles which are the product of its idiosyncratic history. The question of whether the *majestas* resided in the King of England or the Government of South Africa has fallen away since South Africa became a republic. South Africa is a sovereign State to whom all its people owe allegiance. Political considerations of whether

the Constitution is democratic or not are irrelevant.

The great treason trials after the Jameson Raid, the Boer War, the Miners' Revolt, the second world war have studded South Africa's 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 — mere residence is sufficient to create "allegiance".

The act designed to overthrow or coerce the State must be done with "hostile intent" 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: "Whatever 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."

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 Government's 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-

tion of the Terrorism Act, now contained in the Internal Security Act, legal commentators believed that the crime of treason would fall into disuse. However 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 "attempted treason".

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.

The Internal Security Act, with which the five fugitives have been charged in the alternative, widens and defines in more detail the types of conduct that are deemed to be inimical to the *majestas* of the State.

There is no difference between "treason" and "high treason", the latter merely being the full and official legal designation of the crime.

Typical acts of treason are giving information to an enemy, broadcasting propaganda on behalf of the enemy, inciting rebellion and conspiring with others to rebel, taking up arms to coerce the Government to change its policy, trying to bring about unconstitutional secession of a region, plotting against the Head of State or members of the executive, and plotting the complete overthrow of the Government or replacement of the constitution.

VILLAINY: the fraud and the violence

Two suave and diabolical confidence tricksters, runaway tycoons John Woods and Jonathan Doyle, topped the bill for notoriety this year.

Arrested and charged with property fraud involving more than R6 million, they predictably jumped bail of

By Joe Openshaw
and Janine Simon

R50 000 each and skipped the country on British passports (one stolen) through Swaziland, evading trial and leaving scores homeless and dispossessed.

The seamier side of

Johannesburg nightlife was exposed with multiple appearances on charges of gang murders at two nightspots.

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

of public violence and the September shooting of Res Club manager Mr Lourens Snyman.

On August 18 outside the Club Imagination in Melrose Street, Breeds motorcycle gang leader Mr Johnny Wing Law, Breeds member Mr Alex Rufus and the Stepchil-

dren motorcycle gang leader were killed by a rooftop sniper and a man with a 12-bore shotgun.

Mr Hans Grote and Mr Douglas Cooper face charges of murder.

These cases involved group violence, also reflected in a night of rampant revenge by three

whites in Randburg.

They admitted terrorising streets in search of blacks they assaulted with pick-handles.

Mr Mark Macedo, Mr Richard Kegel and Mr Joao Loureiro pleaded not guilty to murdering two blacks and attempting to murder another.

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 parents were 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 was dramatically arrested outside a Johannesburg court a week later and charged with murder.

It was said she had concealed the facts of Cadence's assault.

The child died in intensive care of cerebral

haemorrhage.

These cases will be finalised next year.

In contrast to this mass fraud and social violence, the last minutes of a ten-year-old girl's life came under microscopic scrutiny in a four-day trial for culpable homicide of two doctors who performed her fatal tonsillectomy.

Michael Kramer, 71-year-old surgeon, was fined R1 000 or 200 days and Jack Katzel, who administered the anaesthetic, was sentenced to R6 000 or 1 000 days.

And in keeping with the saying "The law is an ass", the seemingly innocent act of photocopying R10 notes as props for a TV serial landed a subsidiary company of Elmo de Witt (Pty) Ltd with a conviction under the South African Reserve Bank Act for reproducing legal tender.

The company and offending film crew escaped with a warning.

Earlier this month a wanted rapist was arrested only hours after he was said to have raped a Northcliff woman; and he confessed in court to two rapes.

Twenty-year-old Rodney Hartslielief 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 controlling sex drive surgically destroyed and was ordered to appear in 1987 for sentence.

Only then will 1984 face the test of this Orwellian action.

APARTHEID: the tarnished image

THE STAR 20 DEC 1984.

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 perpetuate apartheid, end the year in a 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 crisis of 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 Africa's image in general and apartheid in particular were tarnished by the Durban Consulate affair and a new upsurge in anti-South African demonstrations in America. World leaders deemed friendly towards the Pretoria Government such as British Prime Minister Margaret Thatcher and American President Ronald Reagan were swept along in the

anti-apartheid tide. But while the campaign abroad and the consulate affair provoked little more than an embarrassed "Keep your noses out of our affairs" 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 education, harassment and lack of representation varied during the year from a few thousand to a peak of over half a

million during the August 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

strain.

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 "anti" lobbies was the proposed new tricameral 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 anti-apartheid movements. While the government and its allies among the coloured and Indian communities attempted

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 percent poll would be a workable mandate. They were proved to be over-optimistic when polls of registered voters of around 30 percent (coloured) and 20 percent (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 percent. The South African Government and the

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.

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: "The system was rejected, quite simply, because the people didn't want it."

The black local authorities, the urban black's only thin thread of representation, have always suffered a credibility crisis. The percentage polls in 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 struggled on until one day in September when township after township 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

bloodshed.

Since those early days of September more than 20 councillors have resigned; others have been driven into hiding. Now even moderate black leaders have joined the chorus of criticism of black local authorities and are urging the Government to come up with something better. This has left the Constitutional Development Ministry, headed by Mr Chris Heunis, with a king-size headache. The struggle in South Africa exacted a high price in 1984... a premium the country cannot afford to keep on paying.

ICFTU calls for SOWETAN - 20 DEC. end to apartheid

THE International Conference of Free Trade Unions has called on European governments to take "vigorous diplomatic, economic and commercial action" against South Africa.

A resolution taken by the union's Executive board meeting in Brussels calls for the European Council of Ministers to identify ways and means of providing for action to eradicate apartheid in South Africa.

The board has also asked the European Free Trade Association to associate itself with the European Economic Countries' code of conduct, and adopt similar measures in regard to economic and commercial contacts with this country.

Conference

The resolution demands that the South African Government should enter into an immediate and unconditional conference with all leaders representing blacks to develop a constitutional proposal which guarantees "one man, one vote, and individual freedoms in an undivided South Africa".

It says it was appalled at the deployment of troops and police to quell mass legitimate protest against the recent constitutional changes, which "perpetuate the majority's exclusion from the decision-making processes in their own country".

This deployment, the board adds, has resulted in the killing of 160 people, including children, and the wounding of hundreds. It affirms its conviction that the "ruthless repression of the regime will not crush the commitment of black people to secure basic democratic rights".

SQUATTER

Night in
open
after
shacks
wrecked

By MZIKAYISE EDM

THIRTY-ONE people, mostly women — some with babies on their backs — slept in the open at the offices of the East Rand Development Board after their shacks were demolished in Daveyton, Benoni, this week.

The families had earlier in the week erected eight shacks at the Holfontein farm on the outskirts of Daveyton, protesting against the housing shortage in the area.

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

Families told **The SOWETAN** yesterday that they were given permission to erect their shacks by Mr Sinaba after they had paid R50 a family for a "shack permit" for the "sites" at the farm.

The youngest member of the group which spent the whole of Tuesday night under the veran-

dah of the offices is eight-months-old. The families had to seek cover under the verandah as it was raining for most of the night. Some of the people had no warm clothes and had to look for wood to make a fire.

Mr Sinaba has confirmed allowing the families to erect shacks at the farm but has denied collecting R50 from each family and giving them permits and sites to put up structures.

Chased

He said: "These people have nowhere to go and most of them have been chased away by house owners where

they previously stayed. For the past two years now the Daveyton Town Council has promised these families sites in Holfontein to build their own houses but until now nothing has happened."

The families, Mr Sinaba said, would continue erecting shacks at the farm until they were allowed to have a roof over their heads and lead a "decent life like anybody else."

MISERY

No school, says Cosas

SOWELAN

By ALIMPHAKI

20 DEC.
1984

"NO SCHOOLING next year until our demands are met," a statement from the Congress of South African Students said yesterday.

"It will be betrayal on our part to go back while many of us are still languishing in detention and the Department of Education and Training is still refusing to allow us to draw our own SRC constitution," the statement said.

COMMENT

PHONE: 673-4160

THE 39TH annual session of the United Nations General Assembly has ended with two top 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 president 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 advice 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 Namibia 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 territory militarily and otherwise pretty heavy. In fact the President, 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 international corridors of power. The people who are suffering physically and sometimes dreadfully because of South African occupation of the territory, are the Namibians.

The war with Swapo will continue with all the difficulties and the misery involved in such liberatory wars. The people of Namibia, who are in the main fully supportive of Swapo, must be getting sick and tired of South Africa.

Father shocked by ANC man's death

A MEADOWLANDS, Soweto, father yesterday got a shock when he discovered his son was the African National Congress guerilla gunned down by Swazi police in Manzini on Sunday.

Mr Linda Ngcobo (59), the father of the man discribed by police as a crack ANC "hit man", Jabulani Andrew Sono Ngcobo (26), the fourth of 10 children, said he last saw his son in April 1977, before he fled the country to Swaziland at the height of unrest in S.A.

When reporters left the Ngcobo family the dead man's mother, Mrs Cecilia Ngcobo (48), had not yet arrived. Her other son, Chris, said there was a strong possibility his mother did not know about the death as she only read newspapers when she got home from work.

First time

Mr Ngcobo said: "I saw the news of my son's death for the first time in an afternoon newspaper. Although the name used in the newspaper was not correct, I was sure from the other details that it was, in fact, Sono." Mr Ngcobo said he was seeking legal advice to bring his son's body home for burial.

"I hope we will not have trouble with the authorities getting permission to bring Sono's body home for burial. We spent long and painful years not knowing whether he was alive or dead. We kept our ears open hoping to hear something from him or about him.

"Now that he is dead, we have to force ourselves to find comfort in the fact that we know at last what became of him. His activities during his life in exile were only known to him. The closest we came to communicate with him was when South African security police raided our home looking for him," Mr Ngcobo said.

Unions and the UDF question

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 "Terror" 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.

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 — an orga-

nisation seeking to co-ordinate 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 to the organisation.

Some unions have argued that there is a very thin line that can be drawn between political and labour issues, whereas others have expressed views to the contrary.

UDF's publicity secretary, Mr Mosiuoa "Terror" Lekota explained the position by

saying that the UDF is an alliance of workers, youths, 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 imperialism is a struggle against capitalism. For this reason the working class must provide the backbone of the struggle."

Non-racial

Mr Lekota said that by "national character" he meant that UDF was a non-racial organisation — which means that they embrace all races and bring together all classes.

The presence of workers 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.

Asked whether whites have a contribution to make in the struggle, he 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 not to "sell-out." The UDF could be used to fight these issues directly.

He added that some criticism has been levelled by some of the independent unions that the UDF is dominated by "middle class" people and workers — it difficult to participate.

He conceded this, but said that workers must join to give the UDF direction and make their voices heard.

Asked whether affiliation to the UDF may not sway the political thinking of workers, he answered that the organisation 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.

He added that the dis-



Mr TERROR LEKOTA: Workers' participation in the UDF important.

unity among unions is disappointing. UDF has sent a letter to the feasibility committee giving solidarity to the unions in their search for unity.

Organised

"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."

Referring to individual membership by workers, he said that the problem with a "loose affiliation" 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.

"It 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 any or-

ganisation that fights apartheid, and other horrid laws, but we cannot find ourselves affiliating to any of them. We have opposed the new constitution, supported the stayaway, condemned detention . . ."

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 split regarding the question of affiliation to the UDF.

SOWETAN THURSDAY, DEC 29 1984

Thokoza

Diepkloof

Unity is strength

SIR — I would like to know why are our black brothers so choosy? As far as funerals are concerned there is a difference between poor and rich people's funerals.

If one of the poor family dies, the minority of the people go to the funeral. But if one of the rich family dies, the majority attend the funeral. Why? Today people don't attend the funeral

to bury that particular somebody, but to criticise. Some even gossip, not knowing that a relative of that particular somebody might be next to him.

They will apply a certain sarcasm which will hurt you. People let us know and understand that here on earth we are not equal in all aspects.

Let's make ourselves

one thing by uniting. Stop laughing at other people.

VICTORIA MOTSISI
Mabopane

WORD of GOD

6th Commandment

Thou shalt not kill.

Exodus 20:13