

COURTS

Vusumuzi Johnson Nyathi (33).

Charge: Attempting to escape from the police while in custody. The accused was charged in the Bethal PAC Terrorism trial, and on its completion was found guilty and sentenced to 10 years. While detained under Section 6 of the Terrorism Act, Nyathi fell from a window in the Krugersdorp Security Police offices. He claimed that he had been thrown out by police; the state claimed that he had jumped out in an attempt to escape. The accused was seriously injured in the fall.

Verdict: Guilty.

Sentence: 1 year. The accused will therefore serve an 11 year sentence.

(Krugersdorp Magistrates' Court, 1.08.79)

Sadecque Variava (29).

Charge: Contravention of his banning order. The state alleged that, but accepting a lift to his Lenasia home in a motorcar in which there

were three others, he had unlawfully attended a social gathering.

Verdict: Guilty.

Sentence: 3 months suspended for 3 years.

(Johannesburg Regional Court, 6.08.79)

Smangaliso Patrick Mkhatahwa.

The accused, a banned Catholic Priest, was originally found guilty of possessing banned literature, namely Robert Taber's 'The War of the Flea'. He appealed against conviction, on the basis that he had not known that the book was unlawful to possess. The appeal was successful, and conviction and sentence of R50 were set aside.

(Pretoria Supreme Court, 7.08.79)

Aubrey Mokoena (31).

Charge: Contravention of his banning order in that he did not notify the police of a change of address.

Verdict: Not guilty. The presiding magistrate found that it was not proved that Mokoena intended to commit the offence.

(Johannesburg Regional Court, 13.08.79)

Babsy Mathabane (32) and Catherine Mathibe (29)

Charge: Possession of banned pamphlets. The offence, a contravention of the Internal Security Act, allegedly took place in Soweto between August 24th and 27th, 1979.

(Johannesburg Regional Court, 8.10.79)

Archibald Monty Mzinyathi (24) and Bingo Bentley (Mbonjeni) (46).

Charge: Terrorism. The state alleges that Mzinyathi underwent military training in the Soviet Union between March and July 1977. Bentley is alleged to have harboured Mzinyathi at his home after he returned from

military training, and transported him to a farm in the Eastern Transvaal to hide from the police.

(Krugersdorp Regional Court, 20.09.79)

Babini Pikashe (49).

Charge: Transkei Constitution Act. The accused, an executive member of the Transkei-based Democratic Party, is alleged to have violated the dignity of the Transkei 'State President'.

(Umtata Magistrates' Court, 3.10.79)

Njenga Bantu Sithole (21), Mandle James Sibisi (20), Ramatlotlo Moses (21), Christopher Sitembiso Nzuza (20), a 17 year-old youth, and two 16 year-old youths.

Charge: Terrorism. The state alleges that between July 1978 and August 1979 the accused conspired to, or attempted to, leave the country for military training with the intention of overthrowing the government; they are also alleged to have recruited 19 others to leave South Africa to undergo military training. The trial is to be held in camera because of the juvenile accused who are under 18.

(Durban Regional Court, 8.10.79)

Aubrey Mokoena (31).

Charge: Contravention of his banning order. No details of the alleged offence were available at the time of writing. The case is to be heard on November 29th 1979.

(Johannesburg Regional Court, 18.09.79)

Quayum Sayed (29).

Charge: Quoting a banned person, namely Robert Sobukwe. The quote allegedly appeared in a BPC pamphlet printed by a business which the accused is involved



in. The pamphlet was entitled 'Heroes of Yesterday, Martyrs of the Struggle', and dealt with a press conference given by Sobukwe on 18th March, 1960.

(Cape Town Regional Court, 14.09.79)

Mandla Jim Magudulele (41).

Charge: Terrorism. The state alleges that during 1976 the accused assisted Petrus Kgwadi and 5 others to undergo military training, and transported them to an ANC house in Manzini, Swaziland.

The accused alleges that while in detention at John Vorster Square, he was electrically shocked by security police in a room called the 'waarkamer' (room of truth). Police have denied this. The case continues on November 12th (Kempston Park Regional Court 11.10.79)

Lazarus Lebelwane (18), Mokgotle Marumo (18), Ezekiel Seakgwa (19), Molefi Nhlapo (19), and two 16 year-olds.

Charge: Sabotage. The accused were alleged to have petrol-bombed the Sebokeng house of a Vereeniging security policeman, Jeremiah Matsolo. While in police custody the accused made 'confessions' to the police, which they claimed had been made after being assaulted. Police denied this, and the magistrate found that the accused had lied about this.

Verdict: Guilty.

Sentence: Each of the accused: 5 years.
(Vereeniging Regional Court, 26.09.79)

Simon Sampson Bhengu (73).

Charge: Terrorism. The accused, a diabetic and heart sufferer, was alleged to have recruited 2 people for military training between July and August 1978. After a number of remand court appearances, charges

were dropped against the accused.

(Johannesburg Regional Court, 22.10.79)

Dilshad Cachalia, Ghaleb Cachalia, Moira Levy, Jenny Schindler, Anton Harber, Joachim Schonfeldt, Jeff Locke, Richard Chambers, Frank van Schaik and Harriet Gavshon.

Charge: Malicious damage to property and trespass. The accused, most of whom are students at the University of Witwatersrand, are alleged to have painted a protest mural on a wall in Vrededorp, Johannesburg. The protest was against evictions, and the declaration of the area as 'white'.

(Brixton Magistrates' Court, 11.09.79)

Rose Kunene (18), Gideon Nkutha (20), Lydia Dakile (20) and Jefferson Lengene (22).

Charge: Murder. The accused were alleged to have killed Johannes Esterhuizen, a West Rand Bantu Affairs Administration Board inspector, in Soweto on 16th June 1976. Esterhuizen was one of the first to be killed in the 1976/77 Soweto rebellion. After a number of remand court appearances, the attorney-general dropped charges against all the accused.

(Johannesburg Magistrates' Court, 9.10.79)

David Gase (51).

Charge: Contravention of his banning order. Gase is already serving a 20 month sentence for a similar offence. On July 23rd he was allegedly absent from his Umazi house between 6.05p.m. and 7.15p.m., which was a contravention of his banning order. Evidence in court told that during this period he was at a police station laying a charge of theft against a schoolgirl.

Verdict: Guilty.

Sentence: 6 months, to run concurrently with the 20 month sentence being served.

(Durban Regional Court, 4.10.79)

Sithembiso Ernest Ngobese (26), Themba Patrick Nxumalo (26), Eric Fanevele Mlaba (22), Nhlanhla Victor Ngidi (25), Kwenzakhe Elijah Mlaba (26), Penuel Mpampa Maduna (26), and Ma Sibongile Albertine Kubheka (27).

Charge: All the accused were charged with recruiting 21 people for military between May and December 1977. Ngobese, Nxumalo and Eric Mlaba faced a second charge of attempting to leave South Africa during November-December for military training.

At the end of the state case, in June 1979, Maduna and Elijah Malaba were discharged, but were re-arrested by security police. Maduna has subsequently been charged with assaulting a policeman. Eric Malaba and Ngidi were discharged on one count, but still faced a second charge of Terrorism. Judgement has been provisionally set down for the end of October.

(Durban Regional Court, 1.10.79)

Bhekizitha Oliver Nqubelani (26).

Charge: Terrorism. The accused is alleged to have planted a bomb in the Cape Town Supreme Court on 15.05.79. The accused is further alleged to have made a number of trips between Botswana and South Africa, carried ammunition in South Africa, and manufactured a bomb. The trial is now due to start on 8.02.80 in the Cape Town Supreme Court.

(Cape Town Supreme Court, 16.10.79)

Sabeta Dalindyabo, leader of the opposition Democratic Party in the Transkei.

Charge: Public Security Act. This is the

equivalent of High Treason, and carries the death penalty. Nelson and Winnie Mandela, both cousins of Dalindyebo, have been summonsed by the defence to testify in the trial, which is due to be heard in Port St. Johns. It appears unlikely that South African prison authorities will allow Nelson Mandela to leave Robben Island to testify.

Retired attorney-general of the Transvaal, Percy Yutar, who prosecuted in many of South Africa's political trials, including Rivonia, is to lead the prosecution for the Transkei Bantustan 'state'.

The trial may be related to the growing opposition in Tembuland to the reign of the Matanzima brothers in the Transkei, and it appears that a number of political and 'tribal' leaders have been arrested and charged by Transkei Security Police.

Thandisizwe Mazibuko (29).

Charge: Contravention of his banning order. The accused, a member of the Soweto-based 'Committee of 10' until his banning, is alleged to have attended two gatherings in Soweto, on March 30th and August 19th, 1979. The trial is to begin in the Johannesburg Regional Court on November 1st.

Ameen Akhalwaya (33), Mike Norton (40), Shirley Lue (29), Samuel Pop (48), Stephen Young (51) and Alice Jacobus (42).

Charge: The accused, 4 of whom are journalists and members of the Writers Association of South Africa (WASA), are alleged to have entered an African area (Soweto) without permits. They were arrested at a roadblock in Soweto on 29.04.79, together with a representative of the International Federation

of Journalists, Ole Johan Eriksen, who was subsequently released after being questioned for several hours by police. The trial is due to resume on November 1st in the Johannesburg Magistrates' Court.

Solly Mabitsela (19), Komane Marumo (19), Joseph Gcine, Jack Ledwaba (18), Richard Magobotlwane (18), Peter Phofu (20), and a 17-year old youth.

Charge: Public Violence. They are alleged to have stoned 4 buses belonging to the Lebowa Transport Company, as well as a school building on August 23rd, 1979. Damage caused was estimated at R5,300. The trial is due to continue in Seshego, Lebowa district, on December 11th.

A 17-year old youth.

Charge: Terrorism. Between 21st and 26th April, 1979, the accused was alleged to have incited Edward Buthelezi and Patrick Mzimkhulu to leave the country and undergo military training. The trial was held in camera.

Verdict: Guilty.

Sentence: 5 years.

(Johannesburg Regional Court, 21.08.79)

Ms. Thantisa Magungo (19) and Ms. Casserine Makhoere (23).

Charge: Both of the accused are political prisoners, serving 5 year sentences in Kroonstad Prison for contraventions of the Terrorism Act. They were now charged with assaulting a white prison wardress, Amanda Smith. Magungo told the court that Smith had attacked her in a prison bath-room, and struck her with a set of keys. She had defended herself against the attack. Evidence was also led that the accused had earlier complained about the quality of

the prison food, which was not cooked properly. Another political prisoner, Joyce Mashamba, gave evidence for the defence, saying that relations between prisoners and officials at the Kroonstad prison were not good, and the type of food given to prisoners was unsatisfactory.

Verdict: Guilty.

Sentence: Magungo: R60 or 60 days.

Makhoere: R30 or 30 days.

Rev. David Russell (40).

Charge: Contravention of his banning order, possession of an unlawful publication, and producing a banned publication. Russell is alleged by the state to have been involved in the production of 'Crossroads Residence, to have possessed the book 'Biko' by Donald Woods, and to have been absent from his home on two occasions in contravention of his banning order. The trial is to be heard on November 12 in the Cape Town Regional Court.

Churchill Luvuno (22).

Charge: Terrorism. The accused gave evidence for the defence in the Bethal PAC trial, and was immediately arrested and charged with perjury. He was then detained, and eventually charged with Terrorism. The state claimed that he left South Africa and underwent military training at the hands of the PAC in Swaziland. It was further claimed that he established an organisation called 'Triangle Battle Organisation in South Africa, a PAC cell.

Verdict: Guilty.

Sentence: 5 years on the Terrorism Act counts; 9 months on the perjury charge charge. (Bethal Regional Court, 14.08.79)

Mpondombini Sigcau (40), Ntsikayezwe Sigcau

(36) and Ma Tambani Voko (28).

Charge: Possession of unlicensed firearms and ammunition. The two Sigcau brothers are the sons of deceased Transkei state president, Botha Sigcau, and brothers to Ma. Stella Sigcau, dismissed Transkei cabinet minister. It is unclear whether this matter is related to the trial of Sabata Dalindyebo (see above). The trial is due to take place on November 27th in the Lusikisiki Magistrates' Court.

Alf Kumalo (42).

Charge: Photographing people who were in police custody at the time, and obstructing the police in the course of their duties. The trial relates to a series of incidents at a commemoration service at Regina Mundi Church, Soweto, on 16th June, 1977, where Kumalo was in attendance as a press photographer. After eight remand appearances, the trial date has been set down for November 6th in the Johannesburg Regional Court.

Peter Moll (23).

Charge: Contravening the Defence Act by failing to report for military service. The accused, a student at the University of Cape Town, is a conscientious objector. He believes that doing active military service in South Africa defends the indefensible.

Verdict: Guilty

Sentence: Moll had a previous conviction for a similar offence, imposed in a civilian court. Because this charge was brought in a military court, it was not taken into account. He was accordingly sentenced to a fine of only R50.

Jackie Seroka.(19).

Charge: Possession of the Freedom Charter,

which the state claimed was an unlawful document.

Verdict: Guilty. (The report on this matter is not clear. It is not certain that mere possession of the Freedom Charter constitutes an offence).

Sentence: 9 months, suspended for 5 years. (Kempton Park Regional Court, September 1979)

Elias Nkumbi (20) and a 17 year-old.

Charge: Terrorism. No details are available of the charges at present. (Johannesburg Regional Court, 15.10.79)

H.E. O'Conner and Ms. J. Joubert.

Charge: Contravention of the Prisons Act. The accused, editor and reporter of the Eastern Province Herald respectively, were alleged to have published information about a prison without taking reasonable steps to verify it. The report involved dealt with the refusal by prison authorities to allow certain ministers to see prisoners.

Verdict: Not Guilty.

(Grahamstown Regional Court, 24.08.79)

Ms. Judy Favish (27).

Charge: Contravention of her banning order, by being out of the Cape Town magisterial district. Ms. Favish was allegedly arrested in Rondebosch. Shortly after a court appearance, in which her address was mentioned, the windscreen of her car was smashed outside her home.

3 boys and a girl, all under the age of 18.

Charge: Public Violence. The trial arises from an incident on August 30th 1979 when 300 people rioted and smashed buses, cars, shops and bottle-stores after a riot at a football match

in Sherpeville. The 4 accused are alleged to have been part of that crowd. Similar charges against 4 other youths were withdrawn. The trial continues on November 16th.

(Vereeniging Regional Court, 26.09.79)

Jane Barrett and Bill Gardiner.

Both officials of NUSAS, the above-mentioned were subpoenaed to make statements in relation to student-produced publications. At separate hearings held in camera, both made statements. It appears that they have now been charged with producing undesirable publications.

(Cape Town Magistrates' Court, September 1979)

Zwelakhe Sisulu.

Sisulu, president of the Writers' Association of South Africa, was summonsed before a magistrate to make a statement on dealings with then-detained Post reporter, Thami Mkhwanazi (who has subsequently been charged). Sisulu declined to answer the questions. The matter was held in camera, and at its conclusion Sisulu was sentenced to 9 months imprisonment. He is currently appealing against conviction and sentence.

(Pretoria Magistrates' Court, 6.08.79)

John Phala, John Thabo, Letsie Ben Meshinini, Solomon Musi, Bafana Vincent Nkosi and Philip Khoza - appeal.

These six men were convicted and sentenced to lengthy terms of imprisonment in the Springs ANC Terrorism Trial in November 1977. After various proceedings in both trial court and the Appeal Court, all except Musi have been granted leave to appeal against sentence but not conviction. In the trial, the

following sentences were handed down:

Phala: 30 years.

Thabo and Khoza: 15 years.

Hkqai and Mashinini: 12 years.

Huel (who does not have leave to appeal): 5 years
(Appeal Court, Bloemfontein, 9.08.79)

Hlubi Keith Bityana (24) and Douglas Dalisile

Charge: Terrorism. Bityana is alleged to have incited Dalisile to undergo military training. Dalisile is alleged to have undergone training in Swaziland under the auspices of the ANC between April 1978 and April 1979. Both accused are members of the Soweto Students' League (SSL), which was formed after the banning of the SSRC in October 1977.

Verdict: Guilty.

Sentence: Bityana - 5 years.

Dalisile - 7 years.

(Kempston Park Supreme Court, 23.10.79)

Kedibone Christopher Mathabe (21), Colin Makgalo Kotu (23), Simon Mashigo (19) and Elias Modiga (19).

Charge: Terrorism. The accused, all members of the Soweto Students' League (SSL) are alleged to have set fire to a school on 16.08.78 in White City, Jabavu, incited others to set fire to the house of a school principal in Sebokeng, near Vereeniging, and organised riotous behaviour at the funeral of Robben Island prisoner Johannes Matsobane in Sebokeng. Inter alia, they are alleged to have incited others to burn the house of a Sebokeng security policeman, Jeremiah Maseko. 5 men have already been convicted for this offence (see trial of Lazarus Lelelwane and others, above).

(Kempston Park Supreme Court, October 1979)

Linda Mogale (18) and Elias Jimmy Mabaso (22).

Charge: 3 counts of murder, 3 of attempted murder, one count of Terrorism, and various alternative charges. The accused are alleged, inter alia, to have fire-bombed the house of a Soweto school principal and thereby been responsible for those killed in that attack, and have accepted the revolutionary aims of the South African Youth Revolutionary Council (SAYRC). Both accused were members of the SSRC and the SSL; Mogale served as the last president of the SSRC prior to its banning, and Mabaso as an SSL president. Mabaso is already serving a 5 year sentence for Sabotage. The trial has been marked by quite remarkable allegations of assault against police by state and defence witnesses, as well as by the accused. A number of people confessed to the crimes involved when in police custody, only for it to emerge that their confessions could not be true. One of the state's chief witnesses subsequently repudiated his evidence, claiming that he had been forced into making a series of false statements. The trial judge accepted that Mogale had been assaulted by police, that his teeth had been broken off with a pair of pliers, and that he had been electrically shocked by police.

Verdict: Mabaso was acquitted on all counts. Mogale was found guilty of Terrorism, culpable homicide, assault, arson and malicious damage to property.

Sentence: An effective 7 years.

(Krugersdorp Supreme Court, 10.08.79)

Deon du Plessis (28).

Charge: Official Secrets Act and Defence Act.

Du Plessis, a journalist, was alleged to have been in possession of 35 military documents which had been passed on to him by one James Beaumont, who had been in the SADF signals corps. Beaumont was previously found guilty on similar charges and sentenced to 3 years, suspended.

The trial of Du Plessis was held in camera, and few details are available.

Verdict: Guilty on 5 counts under the Official Secrets Act, and one count under the Defence Act.
Sentence: 6 months and R250, plus 2 years suspended.

(Johannesburg Supreme Court, 28.09.79)

Priscilla Jane (35).

Charge: Crimen Injuria. The accused, a banned Johannesburg attorney, was alleged to have called a security policeman 'a pig'.

Verdict: Guilty.

Sentence: R50 or 25 days.

(Benoni Magistrates' Court, 25.10.79)

Jeremiah Kgokong Majatladi (23), Thami Gerald Hkwanazi (28), Ronald Ephraim Mamospa (18), Lebogang Christy Mokone (18), Petrus Karel Senabe (22), Andrew Moeti Phala (18), Deacon Sekibela Mathe (22), Cornelius Maphethi Leeuw (18), and a 16-year old.

Charge: Terrorism. The state alleges that the accused attempted to recruit a number of people to undergo military training.

(Pretoria Magistrates' Court, 26.10.79)