



16 June 1991

(the anniversary of the)
(Soweto Massacre, 1976)

THE CHRISTIAN DEMOCRATIC ALLIANCE

The alliance of anti-democratic forces in South Africa is rapidly taking shape. At the core is Pretoria. Many methods - political, propaganda, outright terror - are employed to advance chaos among the majority populace and to destroy progressive organizations in order to assure the 'new South Africa' will differ only in outward appearance from the old. As these actions are being accelerated the African National Congress prepares for an historic event, its first National Conference since it was banned in 1960 - set to be held in Durban the first week of July.

A principal pillar of the Pretoria alliance, Chief Mangosuthu Gatsha Buthelezi, head of Inkatha, visits the United States this coming week. He will meet with business leaders, members of Congress, the press and media and with Vice President Quayle and President Bush. The 'Christian' as well as the 'Democratic' garb of South Africa's reactionary elements will be flaunted prominently. The ultimate sanctification will be the get-together between Anglican Buthelezi and Episcopalian Bush.

SA military plots its survival strategy

THE South African Defence Force realised some years ago that the key to political power lay not in military might but in manipulation of public perceptions, a former SADF major said yesterday.

The destabilising of Angola and Mozambique and the destruction of their economies through support of the Renamo and Unita insurgencies, helped to convey the impression that black, left-wing rule did not work. But only the most limited of victories were possible while the government the SADF represented remained committed to apartheid and to retaining sovereignty unlawfully over Namibia, Nico Basson said in an interview.

"Winning hearts and minds", or WHAM, is what they call it in counter-insurgency manuals. Much the same strategy was employed, ultimately with more success, by the United States through support for the Contras in Nicaragua. The Americans were more successful in Central America as well as in El Salvador and Guatemala, where military dictatorships were legitimised after civilian elections.

Mr Basson, who pointed out that the officers who run the SADF have delved into text-books of counter-insurgency and military political control, said it was only now, when apartheid was go-

From John Carlin
in Johannesburg

ing and "non-racial" elections were in the offing, that SADF strategists were beginning to see the prospect of a comprehensive WHAM success.

There can be few more brilliant South African minds in the field than Mr Basson, 34, a psychology graduate and communications post-graduate, who as a major in 1984 and 1985 rose to become the public relations officer and right-hand man of General Jannie Geldenhuys, then chief of the army and later head of the SADF. In 1989 Mr Basson was summoned back from civilian life and given £14,000 a month by the SADF to run its "communications" strategy before the Namibian elections.

"Communications Operations", he said, is the name given to the arm of the SADF running WHAM operations. "Comm Ops" has an officer in every SADF unit and, besides, has managed to infiltrate the South African media across the board.

But it is not only a question of media manipulation. In the same way that Renamo and Unita were employed to communicate a message, so were the killers sent to wage war in the townships around

Johannesburg in the past 10 months, Mr Basson explained.

The end of the violence has not been to destroy property or to kill - that has only been a means. The political objectives have been all directed towards the eventual goal of securing white control in the post-apartheid set-up.

First, the violence has proved a blow to the morale and organisational capacity of the African National Congress. Secondly, the aim has been to bolster Mangosuthu Buthelezi's conservative Zulu party, Inkatha. "Just to get their name known and fixed in the public consciousness has been enough," said Mr Basson, who contends that the SADF has been arming Inkatha fighters and orchestrating their entire strategy. Thirdly, the intention is, through the violence, to split black people along tribal lines, to create tension between the two biggest ethnic groups, the Zulus and the Xhosas.

The end goal is a divided and undermined ANC, and an alliance of the ruling National Party, Inkatha and other "moderate" black organisations, which will sweep "legitimately" to power, with the SADF's own power structure remaining intact.

Millions of pounds of secret state funds are diverted to this enterprise, which expresses itself in

countless ways, only the most overt of which, Mr Basson said, is the township violence. For example, the SADF is steering enormous quantities of money towards conservative black churches, evangelical in bent, which stress anti-communism and political moderation.

A recent edition of *The Star* reported on National Party plans to form an "alliance of moderates" which would include Inkatha, leaders of the black "homelands" and the conservative black churches. NP strategists refer to it. *The Star* said, as the Christian Democratic Alliance.

Mr Basson said the choice of the word "Christian" in the title was brilliant, designed to stress the one element which powerfully unites virtually the entire black majority of the population and which, at the same time, draws attention to the ANC's alliance with the Communist Party, a sure electoral albatross.

Mr Basson said that although the SADF was the engine behind the strategy, the Ministry of Foreign Affairs was also centrally involved in what was a co-ordinated strategy approved by key sectors of the state. "That's the whole thing about South Africa," Mr Basson said. "It's run in secret and *in camera*."

THE INDEPENDENT
Thursday 13 June 1991



Manipulation by South Africa

From Mr Graham Hopwood and others

Sir: John Carlin's reports (11, 12 and 13 June) of the South African government's attempts to manipulate the 1989 Namibian elections are not startling news to those organisations that monitored the implementation of UN Resolution 435 during 1989. The dubious activities of Nico Basson's African Communications Project and his South African intelligence links were publicised at the time, certainly in Namibia.

What Basson's decision to come clean does reveal is that the plan to subvert the Namibian elections, Operation Agree, was initiated by the South African Cabinet, including F W de Klerk. Basson's claim that Operation Agree's final phase is the prevention of a Swapo victory in the next Namibian elections and that South African agents in the highest levels of the Namibian government are still working to this end have worrying implications for the future of democracy in Namibia.

If Basson's revelations are given credence, as John Carlin believes they should be, then the gravest implications are for South Africa itself. The same strategy of disinformation and armed brutality

that was employed in Namibia is now being applied even more intensively in South Africa. Those who would like to dismiss these claims out of hand should remember that it was revealed last September that Inkatha members were trained at secret bases in Namibia's Caprivi Strip, together with Renamo and Koevoet (South Africa's counter-insurgency unit in Namibia) since 1986.

Hopes for democratic change in South Africa are in danger of succumbing to the forces of manipulation that almost derailed the UN peace process in Namibia. F. W. de Klerk's responsibility for Operation Agree sends a clear message to the UK Government and the EC that now is not the time to relax pressure and remove existing measures against Pretoria.

Yours sincerely,
GRAHAM HOPWOOD, co-ordinator, Church Action on Namibia;
IAN LINDEN, general secretary, Catholic Institute for International Relations;
ALISON HARVEY, secretary, Namibia Christian Exchange;
JOHN BARKER, co-chair, Namibia Support Committee;
MALCOLM HARPER, director, United Nations Association
London, E2
13 June

Malan plays down troop deployment

From John Carlin in Johannesburg

AMID signs that the South African Defence Force is planning to adopt a higher profile in the country's troubled black townships, the Defence Ministry denied yesterday a claim by South Africa's ambassador in Washington that troops were to be deployed "within days" in the townships on a scale unprecedented in the De Klerk era.

The ambassador, Harry Schwarz, said in an interview with the *Washington Times* that he knew President de Klerk was "extremely unhappy" with the situation in the townships and predicted that "very substantial forces" would be used to address the violence. He said the troops would be drawn from the Citizen Force army reserve and that the government was fully aware of the adverse political effects such a move would have.

Yesterday a spokesman for the Minister of Defence, Magnus Malan, said there was no such move

afoot. However evidence has surfaced that former national servicemen in the Citizen Force are being mobilised in significant numbers. A number of these men, all now in civilian life, have received call-up papers. One young man, for instance, expressed indignation last week that he was being forced to leave his business behind in order "to stop the blacks from killing each other".

Another example of what appears to be a stepped up SADF role has been the bizarre spectacle provided to Soweto residents recently of army parachuters dropping into their township. Three times now in the last three weeks members of the 44 Parachute Brigade have taken part in what the SADF has called "routine practice jumps" over the country's biggest black community.

THE SUNDAY STAR

Johannesburg

21 April 1991

SADF sent thousands of AK47s to Renamo - claim

Peta Thorwycroft

THE South African Defence Force shipped thousands of AK-47s to Renamo in Mozambique - and many of the guns have returned to unleash a reign of terror in this country.

This is the claim of Roland Hunter (33), who was serving as a conscripted clerk in Military Intelligence at the time.

It was the information he gathered and passed on to the ANC which sent him to jail for five years.

Arming, bank-rolling

For the first time since his release two years ago, Mr Hunter has come forward to tell the story of South Africa's involvement in arming, training and bank-rolling the Renamo rebels.

"I have decided to go public because of accusations in some quarters that all the AK-47s, seen as the ANC's traditional weapon, originated from them, when I saw with my own eyes thousands and thousands sent into Mozambique."

Roland Hunter's trial and that of two members of the ANC to whom he was passing the information, Derek Hanekom and his wife Patricia, was held in camera.

The prosecution considered the matter so delicate at that time that his defence council was not allowed access to a number of the State's documents.

For 15 months before the Nkomati Accord was signed - which led to the ANC's expulsion from Mozambique - Roland Hunter, who was one of Rena-

mo's paymasters in South Africa, helped prepare monthly shipments of about 60 tons of AK-47s, ammunition, mortars and other military equipment, which was air-lifted into Mozambique and dropped by parachute.

He said he collected the pallets of weapons from two civilian-looking warehouses in Pretoria West. One of them was "enormous. It looked like a hangar, with boxes stacked to the top. The other was a smaller, more old-fashioned warehouse."

"It was common knowledge that the weapons were secured by Armscor from Israel. The stencil lettering on the boxes of AK-47s showed they originated in Romania or Bulgaria and Czechoslovakia. When we loaded them on the Samel 100 we were told by a senior officer to paint over the identifications on those boxes, which could be seen as the vehicle went from the warehouse to Voortrekkerhoogte."

In addition to helping organise shipments of weapons to Mozambique, Roland Hunter, now an economist, visited three camps near Phalaborwa where Renamo soldiers, and its present President, Afonso Dhlakama, were being trained and funded by the SADF.

He said he once drove Mr Dhlakama and two other senior members of Renamo to a clothes shop in Pretoria, where they bought suits, paid for by the SADF, to attend a meeting in Germany.

He said he regularly travelled with up to R4 000 in his pocket to pay Renamo personnel: R800 for Mr Dhlakama

and senior officers, while the rank and file only earned R40 a month. But the rand was worth five times more in 1983 than today.

"Every detail I have mentioned is well known to the SADF and the legal team which represented me at the time. I felt it was now time for me to tell South Africans that the SADF itself played a role in the present availability of AK-47s."

'An old story'

"I only know what went on for 15 months until my arrest in 1983. I don't know what happened afterwards, nor whether there were other supply drops to Renamo."

Last night an SADF spokesman commented: "This is an old story. It is ridiculous to insinuate that the Defence Force is responsible for the presence of AK-47 rifles in residential areas in South Africa."

"This is Mr Hunter's opinion, based on so-called information prior to 1983 - eight years ago - and is designed to draw attention away from organisations in the country."

"He obviously has reasons of his own for making these far-fetched claims."

"Furthermore, they are merely more of the same kind of allegations which have been bandied about by a variety of disgruntled individuals and organisations who, for reasons of their own, are trying to use the media to further their own ends and to discredit the security forces."

Former officer alleges campaign of dirty tricks to orchestrate township violence and fix elections

SA military 'giving arms to Inkatha'

THE South African Defence Force (SADF) has deliberately fanned the township violence of recent months, including funding and supplying weapons to Mangosuthu Buthelezi's Inkatha Freedom Party, as part of a comprehensive "dirty tricks" strategy to ensure F W de Klerk's National Party remains in power after the end of apartheid, a retired SADF major alleged yesterday.

Nico Basson, who said he worked for military intelligence in Namibia in 1989, added that the SADF was also working on plans to attempt, through intimidation, to engineer the elections in neighbouring Angola next year in favour of the Unita leader, South Africa's old ally, Jonas Savimbi. He said he himself had been a key player in an elaborate SADF-orchestrated scheme designed to prevent victory in the 1989 elections in Namibia going to Swapo, the eventual winners.

Mr Basson said the South African Ministry of Foreign Affairs had worked, and was working, hand-in-glove with the SADF in the deployment of the various stages of the plans, which were given the codename Operation Agree when first devised at the end of 1988 by the Minister of Defence, Magnus Malan, and the Minister of Foreign Affairs, Pik Botha. In April, Mr Basson wrote to President de Klerk with a broad outline of the allegations.

The SADF said yesterday that Mr Basson was "bandying about unsubstantiated allegations for reasons of his own". The statement added: "The Defence Force knows nothing about these plans, which are ridiculous."

Inkatha denied the allegations of involvement with the SADF. "I'm flabbergasted ... I know nothing about this," said a spokeswoman, Suzanne Vos.

In a two-and-a-half hour interview yesterday morning with four

From John Carlin
in Johannesburg

reporters, Mr Basson provided a wealth of detail - including names of senior military officers, names of alleged SADF front-companies in and out of South Africa, and names of individuals allegedly running those companies - to substantiate his claims regarding the SADF role in Namibia.

Namibia, he said, was intended as a "dress rehearsal" for the much more ambitious operation currently afoot in South Africa itself. He had continued to obtain information on that operation from numerous sources working within the SADF with whom he is in regular contact. They share his disgust and disillusionment with the SADF's activities but fear to speak out.

He also described Namibia as "a trial run" for the South African electoral game-plan, in which the same structures of the SADF and the Ministry of Foreign Affairs were being employed.

"The SADF is buying AK-47 rifles on a large scale, notably from Mozambique, and supplying these weapons to Inkatha," Mr Basson said. The violence in the townships around Johannesburg, in which Inkatha supporters have been centrally involved and in which some 1,500 people have died in the past nine months, had been deliberately orchestrated by the SADF. "They could stop it immediately if they wished," Mr Basson said.

The strategy behind the violence, he said, was to create ethnic divisions; to discredit the ANC, whose military wing has long been associated with the AK-47, and force it into political mistakes; and to build Inkatha through intimidation so as to form a strong alliance with the National Party in the first

post-apartheid elections. To that end, the SADF had not only provided weapons to Inkatha, but also assistance in setting up township cells.

Pointing to the estimated 8 per cent of the government's defence budget which, it is known, is employed for secret projects, he said it was on precisely such ventures that the money was being spent. Mr de Klerk has in recent months refused to answer parliamentary questions on where the secret money is going.

Mr Basson, an SADF officer between 1982 and 1986, said that he saw Operation Agree unfold in Namibia, where he was summoned by the SADF in January 1989 in his capacity as a volunteer member of the Citizen Force, the army reserve.

He was ordered to set up an ostensibly legitimate operation called African Communications Project with SADF funding - he personally received 64,000 rand (£13,700) a month - whose aim was to manipulate information in favour of the pro-South African, "democratic" parties opposing Swapo, which had fought a war of liberation against South Africa for 23 years. The then head of the SADF, General Jannie Geldenhuis, and the present head, General Kat Liebenberg, were the moving spirits behind the operations.

Mr Basson, who said that he had survived three attempts on his life, told Mr de Klerk in his letter that he had been motivated in his actions by a "road to Damascus" experience in 1989, when he underwent a radical shift in his political commitment. He added yesterday that he was appalled at the use of state resources for party political ends.

The SADF has initiated legal action against Mr Basson in terms of his alleged contravention of the Protection of Information Act.

The events driving Basson to speak out

JOHANNESBURG - Nico Basson's decision to break away from the South African Defence Force "dirty tricks" set-up was precipitated in Namibia in June 1989 by his contact with Anton Lubowski, a white lawyer who had become a leading figure in Swapo, the anti-South African liberation movement which won Namibia's first elections later that year, writes John Carlin.

The two of them worked secretly together in compiling a dossier on the elaborate stratagems employed by SADF intelligence to sway the elections in favour of the political parties opposed to Swapo, the Namibian liberation movement, Mr Basson said yesterday. In September that year Lubowski was gunned down outside his home. To this day, the suspicion persists that his killers belonged to the SADF's notorious undercover unit, the Civil Co-operation Bureau.

The day after Lubowski's death, Mr Basson was attacked inside his home in Windhoek, the Namibian capital. It was the first of four attacks, all of them by unknown assailants, the last of which occurred in April this year.

On the first occasion he was attacked from behind and forced down. His trousers were pulled down and a stick or club, he said, was rammed deep inside his anus. Then he was knocked unconscious. He was attacked again in exactly the same manner a week later.

If those acts were intended to intimidate him, in October 1989, he said, he survived a clear attempt on his life. He was walking down a street at night in Pretoria when a car swerved onto the pavement and attempted to run him down. He dived out of the way just in time.

On 17 April this year he was kidnapped from his home in Johannesburg and remembers absolutely nothing of what happened until four days later when he gained consciousness in a guest house in Cape Town. His head had been shaven and he had cigarette marks on his body.

He believes now that the exposure he has been given through the media has offered him substantial protection. He hopes a letter he has written to President F W de Klerk, essentially telling him, between the lines, that he holds him responsible for his physical safety, will have a similar effect.

REGION

Namibia manipulation plan 'may now be operating in Angola'

JOHANNESBURG/ Behind the scenes at the historic Angolan peace accord signing in Lisbon, South African entrepreneur Sean Cleary went largely unnoticed by the international media.

Managing director of a Johannesburg-based consulting firm 'Strategic Concepts', Cleary is a former South African diplomat who has strong ties with Unita and its leader Jonas Savimbi and has for years been deeply involved in Namibia and Angola.

This week Cleary turned up again when his name was mentioned as a member of the 'SA Forum of Reconciliation', a joint committee of church leaders and business figures which has been formed to discuss solutions to the current violence in South Africa.

While Cleary vehemently denies any link between his company and Unita, he has travelled to Unita's Jamba headquarters several times and admits he advises Savimbi on occasion.

But former SADF officer Nico Basson - who claims he masterminded a Military Intelligence propaganda campaign during the Namibian election process in 1989 - alleges that Cleary is one of the key actors in a complicated strategy by Pretoria to dictate events in Angola, as was attempted in Zimbabwe in 1980 and in Namibia. Basson claims that when he was operating in Windhoek, he was aware of Cleary as the man who "ran the Foreign Affairs end of the operation". Basson alleges that a South African "master plan" to manipulate events in Angola is "already well underway". "It is a coordinated strategy which has been approved at the highest levels and involves close cooperation between Foreign Affairs and the SADF," he says.

He also says that the belief that there is a clash of wills between the Foreign Affairs 'doves' and SADF 'hawks' is a carefully-constructed fiction.

Cleary was once chief director in the office of the former administrator-general in Windhoek, Willie van Niekerk. Cleary and his foreign service colleagues would almost certainly have had input into Pretoria's policy on Namibia, a policy which rested on the foundations of 'divide and rule' and which, from a strategic point of view was highly successful.

Without compromising the basic principle of keeping power in white hands, the South Africans in Namibia nurtured anti-Swapo opposition parties - by promoting ethnicity - until they were strong enough to challenge Swapo in the UN-supervised elections in 1989.

Although the parties did not defeat Swapo outright, they prevented it from gaining the two-thirds majority it would have needed to determine the country's first constitution.

The Namibian result thus ensured there would not be a repeat of the sweeping 'winner take all' scenario in Zimbabwe.

Although Cleary officially left the

Foreign Affairs department in mid-1985, at about the time the South African-sponsored Transitional Government of National Unity took office in Windhoek, he remained in Namibia.

He ran a company which provided public relations assistance (and speech-writing) for black ministers in the transitional government.

Among his clients were Swapo-Democrats leader Andreas Shipanga and Swanu chief Moses Katjuongua, both carefully positioned, image-wise, during the latter period of the TG's rule, as social democrats battling the apartheid ideologies of their partners in the government.

Reports in a Windhoek newspaper at the time said Cleary's company had connections with the conservative Washington lobbying firm Black, Manafort, Stone and Kelly. The firm, which has solid US Republican Party ties, handles the public relations and lobbying operations of Unita.

According to records at the South African Registrar of Companies, Cleary established his Johannesburg company Strategic Concepts in October 1985 with the stated objective "to provide services to clients to assist them to achieve their strategic goals and objectives".

Cleary stresses that Strategic Concepts does not do any public relations work for Unita, and says the company is not funded by Pretoria or any other government. To keep abreast of developments in Angola and other African countries he maintains ties with a wide spectrum of influential people and organisations, he says.

Cleary says his relationship with Unita goes back to the early '80s but he knows people "on both sides" in the conflict and his links with Unita are "rather informal and sporadic".

"I am one of a number of people who talk to Savimbi and to whom he listens," he says.

Cleary is hopeful that despite the "traumatic effect" of a decade or more of hostilities, Angola will follow some peaceful transition to a solution of its problems as Namibia did.

Asked what he sees as the likely outcome of elections in Angola - to be held around September next year - Cleary says he would bet on Unita.

He says he is optimistic about Angola's future because it has a well-trained and industrious artisan and entrepreneur class - the white Portuguese who fled when the civil war was at its height in 1975 and 1976 who are eager to return to a "new democratic Angola".

*Basson claimed at a recent press conference that Henk Rheeder, responsible for media liaison in the now Namibian Defence force, had been directly responsible for a smear campaign against Namibian editor Gwen Lister and Sam Nujoma.

[Own correspondent]



Ends justify means as Malan clings to power

SHORTLY after Magnus Malan became South Africa's Minister of Defence in 1980 he issued a statement of intent, pointedly paraphrasing Winston Churchill. "You ask what is our aim? I can answer in one word - victory. Victory at all costs. Victory in spite of all terror. Victory however long and hard the road may be. For without victory there is no survival."

Eight years later, in a newspaper interview, he picked up the theme. "If we lose once, we've had it. There'll be something new and we won't be part of it. It won't be our value system... our norms."

General Malan's whole career is peppered with "ends justify the means" type of declarations. The end, as he has seen it, has been the preservation of the value system and power structure created by apartheid - in short, the "survival" of white man's rule.

The lies, conspiracies and dirty trick strategies over which he has presided are legend. Yet President F W de Klerk has resisted all pressure from all quarters to fire him. It is Gen Malan's background, as much as anything else, which gives credence to the sensational allegations of Nico Basson, who was the general's driver when he did his national service in 1975. Mr Basson told *The Independent*, in an article published yesterday,

From John Carlin in Johannesburg

that the South African Defence Force had embarked on an elaborate and comprehensive strategy to ensure the present political and economic power structure in South Africa remains essentially the same after the apartheid laws have gone, following democratic elections.

Mr Basson, a former major in the SADF who also worked as a high-level intelligence operative, said that the military were deliberately fanning the township violence which in the past 10 months has cost some 1,500 lives. He said they were advising and supplying weapons to the aggressors in the violence, supporters of the Zulu-based Inkatha Freedom Party.

Mr Basson said that in 1989 he was paid 64,000 rand (£14,000 pounds) a month by the SADF to work as an integral element of a scheme in Namibia, during the transition to independence, to stop the anti-South Africa Swapo movement from winning the elections. Swapo did win, but fared worse than many had expected, after an SADF exercise which Mr Basson said was essentially a trial run for the far more serious task ahead in South Africa.

The SADF has roundly denied

Mr Basson's allegations, as has Inkatha. It may be some time before evidence is found conclusively either to corroborate or to refute these allegations. What is persuasive about the substance of what Mr Basson said is the wealth of detail, both in terms of a long list of names and alleged front organisations he has provided, and his intimate knowledge of the workings of the military intelligence apparatus.

It was as a consequence of information provided by a far less credible witness, Captain Dirk Coetzee, formerly of the South African police, that Mr de Klerk was persuaded to set up the Harms commission of inquiry last year to examine allegations of state violence. The commission finding's turned out to be far from exhaustive, but what Mr Justice Harms did do was mount a scathing attack on the activities of the Civil Co-operation Bureau, a shadowy and thuggish SADF counter-insurgency unit.

The judge said the CCB was implicated in the murder of at least two people, conspiracy to murder three others and bombings and sabotage actions. Evidence shows that Gen Malan has lied repeat-

edly about the CCB's activities.

If there is a tendency in South Africa to find Gen Malan, and the SADF, guilty until proven innocent it is because the track record displays a consistent economy with the truth. In 1983 he denied the SADF was supporting the Renamo insurgency in Mozambique and Unita in Angola. A year later it emerged he had misled the public on both points. Not a few observers have noted that the violence in the townships of recent months has borne much of the stamp of the activities of Renamo and Unita.

One overwhelming question remains: Why, if the security forces contrived so successfully to stifle the potentially massive revolutionary threat posed by the ANC in the past decade, did they fail to stamp out immediately the relatively minor problem of violence by Inkatha - the government's political allies?

If Gen Malan has remained confidently, arrogantly, in the cabinet despite all the evidence against him it is perhaps because, as Mr Basson alleges, his "total victory" schemes tie in perfectly with Mr de Klerk's political agenda, which is to remain in control of South African politics after apartheid with Inkatha, among others, at his right hand.

STATE THEATRE

WEEKLY MAIL, June 7 to June 13 1991

Abe Berry



Malan and the CCB: What are the facts?

THE SUNDAY MORNING ASSESSMENT
By Mike Robertson

MINISTER of Defence General Magnus Malan has continually protested his innocence in the rolling tales of maladministration and skulduggery in the sinister and now disbanded Civil Co-operation Bureau.

Yet how much does the general know? How much should he have known?

In the wake of Auditor-General Peter Wronsley's report of obstruction and evasions by the military, this is what the general says against what the Auditor-General and the Harms Commission of inquiry into political murders found...

SUNDAY TIMES, February 24, 1991

□ From Page 1

What about control of finances?

ON Monday February 26 last year General Malan said: "I have been satisfied that the Treasury-approved policy and procedures for financial accounting and control of special operations are adequate. Such transactions are subject to audit by the AG."

But Auditor-General Wronsley's report paints a different picture.

First: "The CCB initially and without Treasury approval applied financial instructions which, to the extent that they were at all explicit, departed radically from the Treasury's Financial Handbook."

Second: Gen Malan omitted to mention that Auditor-General Wronsley had been warning him for weeks prior to the suspension of the CCB that its projects dating back to 1986 did not have ministerial approval.

On the Friday before announcing the suspension of the unit, the general rushed through his retro-active approval.

And on the Sunday, Finance Minister Barend

du Piessis rubber-stamped it — without asking for details.

On May 16, Gen Malan made his "scalpel" pledge to Parliament. But at that point, Auditor-General Wronsley's report makes clear, his investigators had been forced to suspend audits because of the lack of co-operation from the military. They were only resumed five days later.

How seriously did Malan regard the CCB misdemeanours?

ON February 26 last year he said a campaign was being conducted against the security forces and, in particular, the SADF. "A small component of the special forces, the CCB, is the pretext on which the campaign is being conducted."

The Harms Commission, clearly, thought it a bit more serious: "The actions of the CCB have contaminated the whole security of the state. Its conduct before and during the commission creates suspicions that it has been involved in more crimes of violence than the evidence shows."

He also found on the CCB's staff policy: "Persons with serious previous

convictions (such as murder) or personality defects were employed in circumstances that point to their being engaged specifically because of, and not in spite of, their previous convictions and defects."

Who should take the rap?

THE Harms Commission found Gen Malan was politically responsible for the unit.

The general, while happy to accept political responsibility, made it clear his responsibility would go no further: the CCB mess, he told Parliament last week, involved a number of individuals who could be found guilty of undertaking

illegal actions in the course of their duty without he, the head of the SADF or anyone else having to be held accountable for them.

And he had no intention of resigning.

But it is not just Gen Malan who is on the line. President De Klerk gave his own assurances that things would be "cut to the bone".

On March 1, the President addressed a special joint sitting on the CCB.

He said: "Should the report of the Harms Commission show up any inadequacies in the auditing and control systems, they will, of course, receive my urgent attention... the same applies to inadequacies which may emerge

from reports by the Joint Committee on Public Accounts."

The Harms Commission of inquiry did, indeed, observe that the disappearance of documents was "unpardonable" and proper auditing was not possible.

The President responded by promising a tightening up of auditing procedures.

Auditor-General Wronsley observed "endless problems" with the CCB audit because of non-cooperation from the military.

Now President De Klerk is awaiting the outcome of the report of the Joint Committee on Public Accounts to decide on further action.

When did Malan know?

ON March 5 1990 the general said he had become aware of the CCB only in November 1989 — and a month later had told President FW de Klerk.

But the Harms Commission finds: "Approval in principle for such a covert organisation was granted by the Chief of the South African Defence Force and the Minister of Defence during 1986."

What did he promise to do about it?

ON February 19, a month after the official confirmation of the existence of the CCB, he pledged he and the SADF would co-operate with all official inquiries such as the Harms Commission and gave the assurance that: "The law will take its course."

Again, during his budget vote last year, he said: "The chief of the SADF and I will get at what is wrong, clinically cut it out with a scalpel — and the cut will be deep."

But the Harms Commission records a series of evasions, refusals to testify, missing documents and obstruction on the

part of the military.

The disappearance of the documents, finds the Harms Commission, "happened in order to frustrate the commission".

Not even the intervention of Gen Malan himself, reveals the commission, could prise some documentation loose.

This week's report by the auditor-general, meanwhile, says: "Virtually everything my audit team sought was/is in fact available in writing somewhere, but the archives have been selectively and purposely withheld or destroyed."

When was the CCB dissolved?

ON February 26 1990 the general announced: "All activities of the CCB have been suspended pending the outcome of judicial inquiries."

On July 30, the SADF announced the CCB had been officially disbanded.

But a spot audit by the auditor-general's office on August 30 discovered it had been paid R9.5-million — 40 percent of its budget — after it had been "suspended".

Eight months later Gen Malan confirmed the CCB was only "80 percent" wound down.

□ To Page 2



Black society ambushed by violence

From John Carlin in Indaleni, Natal

"VIVA African National Congress" and "Mass action for people's power" read graffiti in the township of Indaleni, a vivid reminder of the impotence of South Africa's biggest political organisation when confronted by the combined force of Inkatha and the police.

For Indaleni, in Zulu-dominated Natal province, has lain abandoned since a neighbouring chieftain aligned to Inkatha dispatched his warriors earlier this year against this pro-ANC community and drove out all 40,000 inhabitants. People sneak back at night; residents salvaging some of their belongings, or the chief's men who come to loot.

One night just after Easter a group of young ANC men — "comrades" — set an ambush. They waited, confident of victory. For they had managed to obtain those most prized of commodities among the modern-day Zulu of Natal — guns. In the slaughter that ensued, at

least 40 died, most of them Inkatha.

Suddenly the police burst into life, arresting 24 comrades, all of whom have been charged with murder. Meanwhile, not one Inkatha man in the area has been arrested. This despite the fact that the violence has come overwhelmingly from the one side: Pateni, an Inkatha stronghold, having suffered no damage whatsoever, having lost not one inhabitant to the dingy, refugee-packed garages and church halls in nearby towns.

The pathetic spectacle of Indaleni is replicated all over Natal province, scene of by far the worst violence in South Africa in recent years. The figures vary for the number of dead in the past six years, the most conservative being 4,500. But this low-level Zulu civil war has been

forgotten largely by the leading players of South African politics. The issue has, for all practical purposes, fallen off the national agenda, indeed off the agenda of the ANC, for whom the world — disgruntled ANC supporters in Natal say — seems to begin and end in Johannesburg, where the leaders live.

Which suits Inkatha and the police fine. In Port Shepstone, 70 miles away from Indaleni, another ANC stronghold is being swiftly mopped up. At present about 30 refugees are fleeing the hillside townships a day. A month ago the figure was 200. All it needs is for the local Inkatha chief to step up the attacks

and it will get back to 200 again. In a matter of weeks or months, it could be Indaleni all over again.

This is the view of local refugee workers, who face continual difficulties with the authorities. As an American refugee organiser called Gary saw it, this was because of the perception that they are all working on behalf of the ANC. "They say we're pro-ANC because all the refugees are pro-ANC. The thing is we have no Inkatha refugees. When we do, we will very happily help them out too."

A local church minister, Dirk Bosman, has suffered particularly painfully the consequences of having at-

tempted to get involved. Mr Bosman belongs to F W de Klerk's small off-shoot of the Dutch Reformed Church so it was most unusual that he should have elected to join a peace forum set up by a cross-section of Port Shepstone church leaders. One particularly violent day when he went out to the townships to try and mediate, he was spotted by two police officers from his own church. They denounced him to the head council of the church who ordered him immediately to desist from his peace efforts. For, as he learnt, to work for peace was to be seen by the local white community to be associated with the ANC, who were being badly hammered by Inkatha.

His own parishioners went further: they ordered that he be defrocked —

which he duty was. A rather forlorn soul, young and naively good, he lamented last week the demise of the peace forum. "I don't think the police are too keen on peace," he said, convinced that it was forces sympathetic to Mr de Klerk's National Party who had engineered his own fall from grace.

He is not the only church minister to have been intimidated out of the peace effort. Mr Bosman told of another clergyman who was dragged out of his home one night by the local chief's men and told that if he joined Inkatha all would be well. The same message is conveyed to all residents in Port Shepstone as in all other areas where the Inkatha forces violently seize control. "If you sign up, you can live here without fear." Many do, creating an illusory sense of Inkatha's power, a power which will be tested only on the day when democracy replaces violence as the favoured medium of political debate.



No jail for white killers

JOHANNESBURG (Reuter) — Three white South African youths who beat a black man to death have been sentenced to 1,200 hours of community service at an animal charity.

A Johannesburg Supreme Court judge on Tuesday sentenced the youths, aged 15, 16 and 17, to five years' imprisonment, but suspended the term on condition they did community service at the Society for the Prevention of Cruelty to Animals in Krugersdorp, west of Johannesburg.

The judge said the youths, who committed the murder in February last year, would undergo therapy and psychological treatment for five years.

A black man was still in a coma yesterday, four days after being beaten unconscious by a white man for urinating in public. Police said a suspect had been interviewed but no charges laid.

Afrikaner rebel teaches history on the hillsides

David Beresford, in rural Natal, discovers two groups of VIPs seeking the roots of violence

A GROUP of academics and South African police commanders gathered in a country hotel in the rolling hills of Natal last week to hear the Police Commissioner of New York City, Lee P. Brown, tell of the long years of struggle by blacks like himself against police bias in the US.

The University of Alabama, the Mississippi killings of Chaney, Schwerner and Goodman, the Luther King march in Philadelphia... It was a familiar litany of brutal prejudice.

Meanwhile an equally vivid local version was being offered to another group of academics and diplomats who — as Commissioner Brown was speaking — were bumping and lurching around the back roads of those same rolling hills on a bus.

At the front of the bus, clutching a microphone and venting his frustration with both fury and humour on his docile audience, was one of those strange, rebellious figures so often thrown up by Afrikanerdom.

Pierre Cronje, the honourably army member of parliament for Greytown, had put together his own travelling seminar to bring home the realities of the abstract problem being discussed, coincidentally, by the police and academics in the nearby country inn.

Short, dark, and intense, Mr Cronje offered a startling insight into the killing fields of Natal. These tales are given a particular edge by his personal story.

Mr Cronje comes from a farming tradition broken by his father, one of the first land surveyors to qualify in South Africa. A supporter of the neo-Nazi Ossewa Brandwag during the war, his father rode the rising tide of Afrikaner nationalism to grab a senior position in the civil service after the National Party's assumption of power in 1948.

Pierre himself was educated in Pretoria at one of the select Afrikaans schools, hastily set up by the government of D. F. Malan in the main urban centres, to churn out a new elite to lead the country.

Taking a civil engineer's

degree at Pretoria University, he moved to English-speaking Natal and into politics, winning the Greytown seat for the Progressive Federal Party, the remnants of the English political establishment, in 1981. Recognising the re-awakening of African political resistance in the rise of the United Democratic Front, he lobbied unsuccessfully for his own party to affiliate.

Mr Cronje found himself repeatedly drawn into the growing township conflict by the ringing of his telephone and the increasingly plaintive pleas: "Mr Cronje... Pierre... we need help." The calls have landed him in hair-raising situations; he has been shot at numerous times.

Once he was called into the township of Imbali, where "kitskonstables" ("instant" police) had gone amuck, killing two young men, one of whom

'The father told the policemen to leave as they had entered, by scaling the security fence'

had been due to marry three days later. On the night of what should have been the wedding feast, the family found themselves hosting a funeral vigil, at which kitskonstables attacked the mourners. The telephone duly rang at the Cronje house, the father calling for help.

Mr Cronje could hear the wails of mourners and then the sound of a white police commander bursting into the room and demanding to see the son. The father begged to be left to his sorrow "because you already have my son" and then handed the policeman the telephone, still connected to Mr Cronje. "Just checking that everything is in order," the embarrassed commander assured him. "We are just leaving."

As Mr Cronje recalled, the importance of his passive intervention was brought home when he heard, over the still

open line, "the father with much dignity and restored confidence refusing to unlock the gate and firmly telling the policemen to leave as they had entered, by scaling the two-metre security fence outside."

Mr Cronje offered his distinguished audience on the lurching bus a string of examples of other situations in which police have failed to act against, or encouraged, or even participated in the violence which has cost an estimated 4,000 lives in Natal alone in the past four years.

The bus pulled up in a "ghost" township of Ndaleni where the entire population of some 40,000 fled in the face of Inkatha attacks earlier this year.

Mr Cronje clambered down to point out the factional boundaries cutting invisibly across the lush countryside and to describe how he had warned police from the outset of what was developing. "The first four days were crucial. The police simply did not intervene."

At Easter, the "comrades", with police agreement, organised the return of the refugees to the abandoned township. As the first group arrived by bus to be greeted by a welcoming party of comrades, Inkatha gunmen opened fire from the surrounding bush.

The comrades had made their own security arrangements — "when you can't rely on the police, you've got to privatise law and order," said Mr Cronje — and encircled the attackers, killing about 40 of them. "Then suddenly the police were at the right place at the right time and arrested the comrades," recalled Mr Cronje.

The idea that violence is somehow inherent to tribal society he dismissed as bigotry. "Violence which is the direct result of bum policing is 90 per cent of it. It is as easy as that."

Back in the country hotel, Commissioner Brown was rounding off his reminiscences of the US civil rights struggle: "In other words, a century of efforts after the civil war to deny blacks full participation in society, abetted by the police, only led to more violence and pain and suffering on all sides.

"An American lesson for policing post-apartheid South Africa might be: Get on with it. Don't waste the next century attempting to frustrate the aspirations of a subjugated people."

An angry son's life and death in the new South Africa

Police told Isaac Padi they would kill his child. They did. John Carlin reports from Soweto on the shooting of a young ANC activist on the run

AT THE opening of Parliament on 1 February this year, F W de Klerk delivered a ringing Jeffersonian address. He announced that all apartheid laws would be abolished and, in what he called his "Manifesto for the New South Africa", declared: "The great majority of South Africans desire a just state which will guarantee basic liberties . . . in which fairness will be the point of departure."

Two weeks later, Isaac Padi, a middle-aged father of four, sat facing a detective-sergeant in an interrogation room at Protea police station in Soweto, his hands behind his back, a hood over his head, an electric prong fixed to his genitals. The sergeant - called Schoeman, Mr Padi recalled yesterday - wanted to know the whereabouts of his son Tumi, an escaped convict and member of the African National Congress.

"If I didn't tell him, Sgt Schoeman said, 'Anything can happen to you. A petrol bomb or a hand-grenade can be thrown into your house, or one of your other children can go missing'. He said they'd detain me for six months, I'd lose my job and, as he put it, 'We'll deal with you good and thoroughly - then we'll leave you to heal for some months so no doctors can see what we did'.

"I said to him, 'Even if you do your worst I can't tell you because I don't know where my son is'. And then Schoeman said: 'Listen, you cheeky old kaffir. We'll break you in a matter of days. And you know what? When we do get your son we're not going to arrest him. We're going to kill him'."

Mr Padi, who was released a few hours later after a phone call to the station commander from his lawyer, told his story gently, with dignity, mournfully. For today he will be burying his son.

On Mr Padi's 55th birthday, the morning of Sunday 19 May, he was awoken by a caller who said Tumi had been killed by the police. "When I said, 'Who are you?' the caller started crying and hung up."

Mr Padi, an articulate store manager who in another country would probably be a company executive, took off his glasses at this point, wiped them and took a deep breath. "I went to the house where the caller said my son had been shot. I went round to a back room and, out of the door. I saw

blood trickling out. Inside there was blood all over: on the bed, on the walls, even on the ceiling. The police had taken the bodies away. They told me he had been with a woman called Nokuzola. I assume she was his girlfriend."

She, it turned out, was an ANC member. Tumi, who was 22, was a trained cadre of the ANC's military wing, Umkhonto we Sizwe.

Back in 1984, unlike many teenagers in Soweto, Tumi could not have been less politically involved. His family belonged to the relatively progressive Methodist Church. He became an active member of the highly conservative, fundamentalist Rema sect.

Then one day in June that year the police opened fire with buckshot into a schoolyard where his 13-year-old sister, Sarah, was playing. She was wounded in her chest and had to spend four days in hospital. The evening she returned home the police arrested her and kept her in jail for four more days.

"This was the turning point for Tumi," Mr Padi remembered. "He became bitter and angry." So Tumi did what thousands of black youths have done. He got involved in student politics. He joined the United Democratic Front. He went underground, on the run from the police, and joined the then banned ANC. He went abroad for training, returned, was captured and, last November, escaped from Johannesburg prison.

On 20 May the newspapers carried very brief reports of his death - a banal, everyday occurrence in Soweto. A police spokesman was quoted as saying "the suspect" had been shot dead because he had threatened to hurl a hand-grenade at detectives. Then, the reports said: "Police fired another shot and killed a woman when she stormed at them from a room inside the dark house threatening to hurl another hand-grenade."

The neighbours said the shooting had seemed to go on for five minutes. The walls, Mr Padi said, looked as if they had been attacked with pick-axes. Almost all the bullet marks were behind the bed, just above pillow level.

Had the police arrested Tumi Padi, they would have had to free him within weeks. According to Mr de Klerk's "new South Africa" rules he would have qualified for indemnity as a political prisoner.

To: Editors and Africa Desks
From: Southern Africa Church News
Mafeking: June 12, 1991

BOPHUTHATSWANA POLITICAL PRISONERS PLEA FOR HELP ON HUNGER STRIKE

According to Amnesty International, there are 128 political prisoners in the South African "independent" homeland of Bophuthatswana. The following is the unedited text of a letter sent from two of them on behalf of the others in Bophuthatswana Central Prison. The letter was sent to Southern Africa Church News by the Mafeking Anti-Repression Forum (MAREF), a church-based human rights agency.

Dear Friends

"We are political prisoners in Bophuthatswana Central Prison. We are here in prison for our political beliefs. We are serving different jail terms for High Treason and Terrorism in Bophuthatswana (Bantustan).

Most of us are here because of the part we took in the 18th Feb. 1988 Abortive Coup. We believe that this region (bantustan) is South Africa. Bophuthatswana, the region in which we stay is a product of Dr. H. F. Verwoerd's Grand Apartheid.

We abhor apartheid and the balkanisation of our country.

We have decided to embark on a hunger-strike, from the 15th June 1991 until we secure our release.

By participating in De Klerk's conference for peace, the Bophuthatswana Government reiterated the fact that Bophuthatswana is a part of R.S.A. As indeed it is so.

Three of our comrades are well advanced in age. Mr. Samuel Slawini, Mr. Shadrack Motswatswa and Mr. Solomon Bapalawa are well over 65 years of age. Some of our comrades are not physical fit. And some of us are very-very young. Our lives are wasted, we implore you to use your influence in what ever sphere you can, in helping us in our fight.

We are treated as common-law prisoners, yet we are denied political status. We are not illigible for parole and remission. We are in the hands of a vicious autocrat.

We ask for prayers from you and the international and local churches' communities.

Please put us in the homilies in the church across Bophuthatswana, the Republic of South Africa and where-ever your influence reaches.

Visit us please, in the name of Lord. Our people are mesmerised by fear.

The Pretoria minute is relevant to us.

We thank you in anticipation,

The hunger-strikers in Bop.

From: 1. Johanners Bushey Molefe
2. Lucas Momepe and the others."

(Southern Africa Church News is an ecumenical news agency sending news worldwide from churches and human rights organisations in the southern Africa region.

Where justice flowers again

THE GUARDIAN
Monday June 3 1991

THE dramatic reversal by the Appellate Division of the Supreme Court of South Africa of 21 of the Upington 25 murder convictions virtually obliterates the shameful "common purpose" doctrine, under which little beyond mere presence at a protest demonstration was held to establish collective guilt for any crime committed there.

I attended the appeal on behalf of the International Commission of Jurists and the outcome was no surprise to me. The attempt by the government prosecutor to defend the convictions, which arose from the mob killing of a municipal policeman in the Namibian township of Paballelo in 1985, annoyed the judges. The prosecution case collapsed under a barrage of hostile questions from the Bench.

This was my first visit to South Africa since 1987, when I took part in a wide-ranging review of the apartheid legal system, also for the ICJ. The change in judicial attitudes is startling. The repeal of much of the apartheid legislation does

not explain it. The most inhuman and punitive laws in South Africa are not those imposing racial separation, but the security laws, mostly consolidated in the Internal Security Act. Promises have been made to repeal parts of these laws, crucial to the maintenance of white minority rule, but most remain in full force on the statute book.

The role of the South African judges closely follows its English model. In legal skill and learning they are easily a match for most English judges. Like them, they are bound by their oath of office to apply the laws laid down by the (white-controlled) parliament. In a notably legalistic culture, the thoroughness and conscientiousness of the Supreme Court judges is rarely challenged.

When I talked to Winnie Mandela's lawyers, just before the verdict, I was struck by their assumption that the judge would try to reach a correct conclusion. I had met the judge on a previous visit, and certainly had no reason myself to doubt his integrity.

But many judges are known

supporters of the Nationalist Party (or parties even further to the right). And it can fairly be held against all the judges that they have voluntarily accepted appointment knowing they would be obliged to carry out inhuman policies, including (until July 1990) a mandatory death penalty. Some well-qualified South African lawyers are known to have refused appointment for this very reason.

However, the South African judges, like English judges, have the exclusive power to determine the meaning of the laws passed by parliament. This gives them considerable latitude to temper the harshness of apartheid laws. A few judges, to their great credit, have been prepared to use considerable ingenuity to frustrate the South African government's repressive designs.

One means of doing this was to presume a legislative intention to preserve fundamental human rights safeguards in cases where these were not expressly overridden.

Thus it was held that detainees were entitled to access to legal advice, and to be told

the reasons for their detention. Courts held themselves entitled to question the reasonableness of arrests by members of the security forces. Thereby, several detainees were released. Even the government's state of emergency powers were softened by judicial ingenuity.

Unfortunately, virtually all these decisions were overturned by the Appellate Division, led by Chief Justice Rabe, himself the architect of the brutal Internal Security Act. Only since his retirement and the appointment in 1989 of his well-regarded successor, Chief Justice Corbett, has the highest court in South Africa made a serious attempt to mitigate the harshness of a system of law carefully designed to impose and maintain the apartheid ideology.

It is not surprising that only white lawyers have accepted appointment to the judiciary. Three non-white lawyers have reached the rank of senior counsel from which, like QCs here, the judges are chosen. The government would be delighted to see any of them on the Bench but they have all

refused to serve: they would risk ostracism if they accepted.

The African National Congress has promised a reorganisation of the legal system if it comes to power. An all-white judiciary would be an intolerable anomaly in a democratic South Africa. But without a widening of the criteria for judicial selection, rendering all lawyers eligible, the present judiciary would remain indispensable.

Before Upington, there were several reversals by the Appellate Division of notoriously cruel decisions. Ebrahim Ismail Ebrahim, convicted of terrorism after the security police kidnapped him in Swaziland, was released, when the Appeal Court changed its mind and decided that the kidnapping undermined the conviction. Leonard Sheehama, a Swapo soldier convicted of murder in Walvis Bay, was released on a finding that evidence was dragged out of him by torture.

And United Democratic Front leaders, convicted in the three-year-long treason trial, were released because of procedural irregularities.

Now the Appellate Division has not only put right the grievous injustice of the Upington trial, it has also effectively destroyed the "common purpose" basis of the Sharpeville Six convictions. They remain in jail, but their release should be imminent.

The appeal judges seem to be doing their best to inject a new consciousness of human rights values into the South African legal system, and to distance it from a discredited political system.

This is an encouraging development which fits the aspirations of the ANC for a democratic constitution incorporating a bill of rights. But will the present judges' history of collaboration with the apartheid regime disqualify them from office in the new South Africa? The answer not only for judges, but also across the whole spectrum of public office, will be a critical one for South Africa's first democratic government.

Geoffrey Bindman is a solicitor with Bindman and Partners, London

Joy as Upington trialists go free

THE WEEKLY MAIL, May 30 to June 6 1991

Weekly Mail Reporter

A JUDGMENT likely to be long remembered as one of the most savage handed down in South African legal history was redressed by the Appeal Court in Bloemfontein yesterday, when death sentences imposed on 14 of the Upington 26 were set aside.

In what amounted to a telling commentary on the original miscarriage of justice, 11 of the death sentences were replaced by suspended terms of imprisonment. They included an elderly married couple with 10 children. The heaviest sentence imposed on the other condemned prisoners was 12 years.

The Upington trial — which took place in a small town of that name near the Namibian border two years ago — arose from a mob killing of a municipal policeman in the nearby township of Paballelo in 1985.

When the judge, Mr Justice Basson, handed down the original death sentences there were both ugly and heart-breaking scenes. The accused greeted the judge with the anthem, *Nkosi Sikelele iAfrika*, and township residents said farewell to them, as they set off on the 1 300km journey to Pretoria's death row, with the song *Senzeni Na?* — "What have we done? Our sin is kindness..."

The final sentences, as decided by the Appellate Division, were as follows:

● Evalina de Bruin, aged about 63 — who took frightened refuge behind the lawyers' benches when fighting broke out during sentencing — had the death penalty reduced to two years suspended for public violence. Her husband, Gideon Madlongwane, who also faced the death penalty, was sentenced to five years suspended for five years. Evelina had told Basson: "I feel very sad for my children and my home; I've been taken away from them for something I didn't do."

● Justice Bekebeke (28), who wanted to be a psychiatrist and was studying by correspondence, had his death sentence reduced to 10 years. He had told the judge: "I would like the Lord to give you many years so that one day you can

see me walking on the streets of a free South Africa."

● Xolile Yona, the boxer, had his reduced to 10 years. "I grew up without a father. Now my child must grow up without knowing a father... I'm asking for a last chance," he appealed to Basson.

● Albert Tywilli, a 27-year-old former policeman, was found not guilty of murder by the Appeal Court and had his death sentence reduced to two years suspended for public violence. "If I had come before a clever judge he wouldn't have found me guilty," he

had said contemptuously after being told he was to die.

● Kenneth Khumalo, the former mayor of Upington's township, had his death sentence reduced to two years suspended. He had said farewell to the judge with the prediction that the trial would "act as a scale which will measure justice in the legal system of South Africa".

Of the others condemned to death, Zonga Mokgalle was given 12 years; David Lekhanyane, Wellington Masiza and Boy Japha were given two years suspended. Eric Tros Gubula, Myner Gudlani Bovu, Zuko Xabentlana and Andrew Lekhanyane got one year suspended.

The only sentence by Basson which was confirmed was one of eight years on Elisha Matshoba. Kosiswa Dube, Roy Swartbooi and Ivan Kazi (who had been sentenced to community service) were acquitted of all charges. Six years imposed on Rommie Masiza was reduced to two years suspended. Abel Kutu, Barry Bekebeke, Elizabeth Boslaander, Jeffrey Sekiya, Sarel Jacobs and Neville Witbooi — sentenced to six years — got one year suspended.

By DREW FORREST

"I CAN forgive Judge Basson — but I won't forget him," says Myner Bovu, after two years on death row.

To a rising clamour from long-termers behind the Pretoria Central Prison's yellow face-brick walls — they know something unusual is afoot — 10 of the Upington trialists have just leapt jubilantly from a prison minibus to freedom.

Their relatives are far away in the Northern Cape, but the men throw themselves into ecstatic embraces with well-wishers and lawyers who have handled their case.

Slight and mild-mannered, Bovu (31) hardly strikes one as a candidate for mob violence. Before his arrest, he had completed two years of an education diploma and now plans to qualify as a teacher.

The Appellate Division judgment set-

ting aside his murder conviction and commuting his death sentence to two years' imprisonment, suspended, is "delightful, unbelievable", he says.

But the protracted ordeal of his year on death row before the government's February 2 1990 moratorium on hanging is still with him.

"It was terrifying to hear the men being taken to be hanged; they would shout: 'Stay well, boys, we are going!' The night before we could hear them singing church songs."

Bovu says he was angry with the original trial judge, Mr Justice Jan Basson, but is now "at peace with myself. The judge was very, very unfair. I believe he was influenced by the political situation at the time."

"I just hope that in the new South Africa there is no room for such judges, which are bad for South Africa's image."

The defence counsel in the case, Anton Lubowski, did not live to hear the eventual fate of his clients. He was murdered a few months after the trial at his home in Windhoek.

● The Appeal Court judges were Messrs Justice Groenkop, Smaalberger and Nienaber