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EDWARDS

IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

CASE NO.

In the matter between :

LOUISE CAROL VALE	First Applicant
and	
NATALIE ANN BURROUGHS	Second Applicant
and	
MELISSA DE VILLIERS	Third Applicant
and	
KAREN-LEIGH THORNE	Fourth Applicant
and	
JEAN PATRICIA BURGESS	Fifth Applicant
and	
ANDRÉ ROUX	Sixth Applicant
and	
TIMOTHY JOHN BOUWER	Seventh Applicant
and	
THE HONOURABLE THE MINISTER OF LAW & ORDER	First Respondent
and	
THE COMMISSIONER OF POLICE	Second Respondent
and	
THE DIVISIONAL COMMISSIONER OF POLICE, EASTERN CAPE	Third Respondent
and	
THE COMMISSIONER OF PRISONS	Fourth Respondent

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*[Handwritten initials]*

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AFFIDAVIT OF LLOYD CHARLES EDWARDS

I, the undersigned, LLOYD CHARLES EDWARDS, hereby make oath and say :

- 1.(a) I am a lieutenant in the South African Security Police, stationed at Grahamstown.
- 1.(b) I am duly authorised to make this affidavit, and the facts set out herein are within my own personal knowledge unless otherwise so indicated.
2. I have been an active fieldworker in the South African Security Police and since December 1983 I have been attached to the Security Branch, Grahamstown. The facts set out hereafter, which fall within my own knowledge, I have acquired through my active work in the South African Security Police.
- 3.(a) In the case of First, Second, Third, Fourth, Sixth and Seventh Applicants I took the decision that they had to be arrested and detained in terms of Regulation 3(1) of the Security Regulations promulgated by Proclamation R.109 published in the Government Gazette No. 10280 of 12 June 1986.
- 3.(b) / .....

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SACHED is instrumental in implementing and First Applicant is responsible for the showing of these tapes. (These tapes will be available to be shown to this Honourable Court should it so desire).

(viii) I was also informed by one Jonathan Godden who is presently in detention, that First Applicant informed him that should these tapes be found, the Rhodes Library would claim responsibility therefor. Godden also told Sgt. Louw that the tapes were educational tapes used by SACHED and when confronted with the fact that these tapes were actually ANC propaganda tapes, he said he had no knowledge of these tapes but that they were stored in the office with other SACHED videos.

The one tape on Nelson Mandela which was found in the video recording machine actually appeared to have been played fully.

(ix) Sgt. Louw attempted to obtain a statement in this regard from the said Goddin (Godden), but he refused to give one and under the circumstances it is therefore not possible for me to attach such a statement.

(x) Prior to the arrest and detention of First Applicant it has come to my knowledge that SACHED has claimed that its offices were being used by many organisations which I will refer to hereafter. This claim was made

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when SACHED was looking for more funds from their head office in Johannesburg and the claim was then backed by the allegation that many of the organisations were making use of their offices. First Applicant, being in control of SACHED's office in Grahamstown, is the person responsible for allowing these organisations to make use of the offices and quite clearly shares the sentiments of these organisations and assists them in the furtherance of their aims and objectives.

(1)

The organisations mentioned are the following :

- (aa) GRADAC (Grahamstown Democratic Action Committee);
- (bb) ECC (End Conscription Campaign);  
SACHED offices
- (cc) CC (Concerned Citizens);
- (dd) Black Sash;
- (ee) NEUSA (National Education Union of South Africa);
- (ff) Grahamstown Youth Congress;
- (gg) Grahamstown Youth Movement;
- (hh) / .....

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End Conscription Campaign

The prime objective of this organisation is to break down the military system in South Africa, which will make it easier for the ANC to take over, especially in regard to the townships.

The E.C.C. is viewed by politicians as potentially the most dangerous political movement to emerge in the current crisis. From my own personal knowledge I endorse that view. It is heavily foreign-financed and has in recent months established overt and personal links with the Helsinki-based War Resisters International, an identified adjunct to the vast Soviet "Active Measures" apparatus. I annex hereto as Annexure "J" "The Aida Parker Newsletter", dated the 8th April 1986. This newsletter is regarded as an authoritative source on issues of this nature and from my own investigations into the E.C.C. I can endorse the contents thereof.

The leadership of the <sup>C</sup>EEC in Grahamstown are all ANC supporters and more specifically the main leaders in Grahamstown are the third and the fourth Applicants.

I also refer to one of the pamphlets contained in the envelope referred to below and annexed as "M" hereto.

Concerned Citizens

This organisation was formed to create a link between the township inhabitants and the White areas. The aim is to create a forum and to broaden the base of the left wing radical elements.

Black Sash

Although this organisation lends support to unrest victims it also renders legal assistance to activists and unrest instigators and thereby plays a supportive role to activists. It is in fact being used by these activists to help their cause, whether this be wittingly or unwittingly.

I annex hereto as Annexure "K" a newsletter of this organisation dated June 1986 and co-signed by Second Applicant. From this letter it is clear that the Black Sash is actively assisting and working with the E.C.C.

NEUSA

This is the National Education Union of South Africa. It assists SACHED with the creation and implementation of alternative educational systems and structures.

NEUSA is actually a teachers' union and mostly consists of teachers. It broke away from the African Teachers' Association, and joined the more radical elements and organisations involved in the alternative



37. Ad paragraph 17 :

I refer to what has been set out above about the various organisations mentioned herein and Second Applicant's involvement therein.

38. Ad paragraph 18 :

I do not accept that the Second Applicant is committed to non-violence for the reasons set out above. I repeat that her arrest and detention was and remains necessary for the purposes set out in Regulation 3 of the Emergency Regulations. I deny that the arrest and detention is maliciously or dishonestly motivated and I deny that Second Applicant has made out a case for the relief claimed.

THIRD APPLICANT

40. I now deal with the Third Applicant, MELISSA DE VILLIERS. In forming the opinion to arrest and detain the Third Applicant, I inter alia relied on the following information at my disposal :

- (a) She is one of the main persons involved with DELTA, a radical organisation which is responsible for the printing and the distribution of a paper called the Grahamstown Voice. This paper incites blacks and is responsible for the politicising and radicalisation of the black communities in and around Grahamstown. In fact, on many of the black activists who were arrested copies of this paper were found. There is no doubt that the Grahamstown Voice is being used as a mouth piece for the radical element of the UDF in the Grahamstown area. She is also the Chair-  
person of the Rhodes University End Conscription Campaign and in regard to this organisation I refer

to what has been set out above.

- (b) She was involved in organising the previous as well as the present consumer boycotts in Grahamstown. This is information that I have obtained from my sources and I verily believe this information to be true and correct.
  
- (c) The head of the off campus group of the End Conscription Campaign, one Wilhelm Liebenberg, went into hiding as soon as the Emergency Regulations were proclaimed. The police are at present searching for him and (we know) for definite that the Third Applicant acted as a go-between between Liebenberg and the organisation "End Conscription Campaign." She was also keeping him fully up to date with regard to what was happening under the state of emergency and in the country. She, however, refuses to disclose his whereabouts, stating that she does not know where he is at present. This Wilhelm Liebenberg although he is in hiding, is still carrying on his subversive activities and attends various secret meetings.
  
- (d) She was also with the First and Second Applicants when they attempted to attend the funeral of the unrest victim referred to above where the First Applicant's affidavit is being dealt with.



(e) She further had an intimate relationship with one THABISO RATSOMO who is presently on trial for treason in the so-called Delmas Treason Trial. As far as I am aware she shares the same radical sentiments as the said RATSOMO.

41. I will now come to deal with the specific allegations made by the Third Applicant in her affidavit.

Ad paragraph 2

This paragraph is correct except that when I arrested the Third Applicant I in fact told her that she was being arrested in terms of the Emergency Regulations. I wish to explain why the Third Applicant was not arrested at the time when we arrested KAREN THORNE. At the time when we arrived at the house we were not aware that the Third Applicant was also in fact there. Prior to that, however, I had already formed the opinion that she must also be arrested and detained. We phoned Alexandria Police Station after we returned to the Police Station, having arrested KAREN THORNE and before we returned to the house to arrest the Third Applicant. The purpose of the call was to establish whether there was room available at the police cells for further detainees. Having received confirmation that room was in fact available, we returned to arrest Third Applicant.

42. Ad paragraph 3 :

In regard to her enquiry whether I intended interrogating her, I wish to make clear that this Applicant was also not arrested

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for the purpose of interrogation but was in fact arrested because I deemed it necessary in my opinion that she be arrested and detained and that such arrest and detention was necessary for the maintenance of public order, the safety of the public and for the termination of the state of emergency.

40. Ad paragraph 4:

I did not speak about myself most of the time as she alleges. She however asked me various questions about myself, to which I replied. On the occasions when I visited their home, I never saw her. I deny that the relationship between us had any influence on my decision and my opinion that this applicant had to be arrested and detained.

43. Ad paragraph 5

I wish to point out that I was merely an acquaintance of the Applicant and that there was never any relationship between us as she seems to allege in this paragraph.

44. Ad paragraph 5

It is correct that I asked this Applicant about the whereabouts of various persons. I refer to what I have said above about her allegation that I spoke about myself all the time and in fact say that it was she who asked me questions about my trip overseas and personal matters. I deny that I volunteered that the situation referred to by her was the same as that within which I worked in that I would never divulge the whereabouts or identities of my informers. I also deny that I suggested that she and Ray Hartley were being groomed for GRADAC.

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45. Ad paragraph 6

I deny the contents of the first sentence herein. I could and would never have given her the impression that I believe that the ECC group functioning within the town Grahamstown and the one on the campus were one and the same body as I know that it is not one and the same body. The fact that they were separate bodies was in fact confirmed to me by Karen Thorne a few days earlier when she was interrogated by me. I deny that this Applicant's involvement as such with the ECC could be termed legitimate and say that she is actively engaged in various subversive activities as referred to above. I do not accept that the Applicant is a pacifist and refer to what has been set out above. It is not correct that the Third Applicant refrained from her activities in the ECC subsequent to the Emergency Regulations being promulgated. In this regard I wish to state that prior to her arrest she in fact assisted the aforesaid Wilhelm Liebenberg who is in hiding, in drawing up a pamphlet which was intended to be distributed by the ECC at the Grahamstown Festival. This is also one of the important facts which led me to form the opinion that her detention and arrest was necessary. Her detention and arrest, as well as that of Karen Thorne, in fact effectively stopped the distribution of these pamphlets. These pamphlets explained what the ECC was and were directed at the people who attended the Festival. It also called on the people to actively support the ECC in their stand against military service. It is therefore untrue for this Applicant to say that she refrained from her activities in this regard. This festival in fact started on the 27th June 1986.

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A copy of a letter setting the ECC plans for the festival and annexure thereto is attached marked "GG" and "HH", This Applicant, together with Fourth Applicant and another girl, form a group known as the "Koeksusters".

They intended participating in this festival and it was my information that they were going to sing songs in support of the End Conscription Campaign. One of the songs is a song along the lines of the National Anthem which they altered, the words whereof are contained in the document, Annexure "Z" hereto. The involvement of Third Applicant with the End Conscription Campaign is but one of the factors which operated my mind in coming to the conclusion that she had to be arrested and detained, and I deny that the present law of the country is ample to deal with her situation.

46. Ad paragraph 7 of the Third Applicant's affidavit :

In regard to her being a pacifist and also the claims by the other Applicants about being pacifists, I wish to state that I have information at my disposal which I cannot disclose to this Honourable Court for fear that the sources may be exposed. According to this information these applicants are much more inclined to violence than they are trying to make out and they are by no means pacifists as claimed by themselves.

I deal with the affidavit of KAREN THORNE below.

47. Ad paragraph 8 :

I deny that I have no honest reason to believe that the arrest and continued detention of Applicants is justified. I state that Third Applicant's activities in the various organisations and in her

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personal capacity can by no means be construed as legitimate and can only be construed as subversive. I deny that this Applicant has done everything in her power to abide by the Emergency Regulations and refer to what has been set out above in regard to her actions with the ECC subsequent to the promulgation of the Regulations. I deny that I detained the Applicant in anticipation of her breaching one or other of the provisions. The Democratic Students Alliance has also been affected by the provisions of the Emergency Regulations. In fact, prior to her arrest, Third Respondent was busy with her subversive activities, instigating civil disobedience and inciting people to act in such a manner that it led to unrest and the disturbance of public peace.

48. Ad paragraph 10 :

This paragraph is denied.

49. Ad paragraph 11 :

I deny that Third Applicant's removal was unlawful and wish to state as follows :

- (a) Third Applicant was never detained in Grahamstown but was arrested in Grahamstown. She was thereafter detained in Alexandria in terms of an Order signed by myself, dated 27 June 1986, annexed hereto as Annexure "HH"<sub>2</sub>. She was thereafter transferred from the police cells, Alexandria, to the North End Prison, Port Elizabeth on the 2nd July 1986 in terms of a notice under Regulation 3(4) signed by Major H. Herselman, a person duly authorised to do so. A copy of this notice is annexed hereto as Annexure "II".

*[Handwritten initials]*

(b) Third Applicant has since been detained in the North End Prison in terms of a notice signed by the Minister of Law & Order dated the 4th July 1986, annexed hereto as Annexure "JJ".

I deny that any authorisation was not competent at law and deny that any of the notices or orders were unlawful or illegal or not competent.

(c) When the Emergency Regulations were promulgated, this Applicant also went into hiding. She in fact told me that she went into hiding on a farm outside Grahamstown, but she refused to give details as to where this farm was and as to whom it belongs to. We do know that some of the other activists who are in hiding, are hiding on a farm outside Grahamstown

although we could not trace the place to date. When we went to the house to arrest Karen Thorne, the Fourth Applicant, we did not know that the Third Applicant would be there as we thought that she was still in hiding. She afterwards informed me that she came out of hiding because she realised that she could not hide forever.

FOURTH APPLICANT

48. I now deal with the Fourth Applicant, Karen Thorne. This Applicant was involved in the following :

(a) / .....

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(a) She is the chair-person of the Cultural Committee of the Rhodes University End Conscription Campaign. She was also involved in the organising of the activities of the ECC at the English Arts Festival in Grahamstown referred to above. She is also the chair person of the Rhodes University Women's Movement. She was also involved with the printing of the pamphlets for the ECC which pamphlets were to be distributed at the English Arts Festival referred to above. After the promulgation of the Emergency Regulations, most of the leaders of the ECC went into hiding. Fourth Applicant was just about the only leading member of the ECC who did not go into hiding. As such she was playing a controlling role in the ECC and acted as a go-between between the members in hiding and the top structure of the ECC. Although she initially was only on the cultural committee, she in fact took over the role of the leaders of the ECC after they went into hiding.

(b) Our information further was that the Fourth Applicant, even after the Emergency Regulations were promulgated, was still prepared to carry on with the "Koeksuster" item at the said Festival and by doing so getting the ECC message over to the people attending.

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I have dealt with the activities of the ECC above and I say that the Fourth Applicant is actively involved in those activities which are of a subversive nature and which I consider to be a threat to the public safety.

Furthermore when the Third Applicant was in hiding, the Fourth Applicant actually acted as her contact and go-between.

I respectfully refer to Annexure "GG" which was signed by Fourth Applicant. The words at the end of this letter "Shot Com" stand for "Shot Comrade". In this regard I also refer to Annexures "W" to "CC" annexed hereto. Although this did not influence my said opinion, it does indicate the radical sentiments of the Applicants concerned.

This Applicant also actively organised for action to be taken on behalf of the ECC against male persons affected by the July call-up for military training.

I annex hereto as "KK" a note found in Fourth Applicant's possession. This note was clearly drawn up after the Emergency Regulations came into effect and sets out steps to be taken in regard to this call up.

As the note is in pencil and may not be very legible

I set out hereafter what appears on the note :

"July Call-up

pamphlets at gate

pamphlets for post-conscripts

concert for conscripts

meeting for parents - business view

mother vs father

?

511180 Debbie"

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I do not consider it necessary to repeat what is on the reverse side of this note. I state that Third Applicant also took part in the organisation of this action referred to above.

49. I now deal with the specific allegations set out in the affidavit of the Fourth Applicant :

Ad paragraph 2 :

The contents of this paragraph are admitted. The reason why the Fourth Applicant was not arrested at that stage was that we had not received the information regarding the pamphlet and the intended activities at the Grahamstown Festival.

Although I was at that stage considering the arrest and detention of the Fourth Applicant, the final decision was made by me on receipt of the information regarding the pamphlet and the fact that she started acting as the chair-person in the End Conscription Campaign and became the link between the people in hiding and the National leaders of the End Conscription Campaign.

50. Ad paragraph 3 :

I deny that Sgt. van der Westhuizen said to her that we could make life very difficult for her, although he told her that she seemed to be quite involved with left wing activities lately. Van der Westhuizen also did not say to her that they would have to sit down and have a chat. Nobody said words to the effect "Come chaps, these people are small fry; let's go to where the action is".

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51. Ad paragraph 4 :

Sgt. Louw in fact told her that he was arresting her and that she was being arrested under the Emergency Regulations. I therefore deny that she was never informed that she was arrested under the Regulations. Sgt. Louw went further and told her that she was being arrested under Regulation 3. I deny that there is no honest basis upon which to justify her arrest and detention, and I state that she must be fully aware of the facts as to why she was arrested and detained. All the posters that were advertising this Molotov cabaret that was going to be presented by the Koeksusters had been printed and were just about to be distributed. In fact, some of them had gone up the night before. I deny that I said that she did not have enough clothing for three months.

52. Ad paragraph 6 :

It is correct that we believed that she was the central figure in the End Conscription Campaign and in fact I am still of that opinion. Though she did say that the Cabaret she had planned had nothing to do with the ECC and was part of a show intended to be staged as part of the fringe activities of the Grahamstown Festival of Arts, I state that this is not true and refer to Annexure "GG". In this annexure she expressly states that she was still planning cabarets, etc. in the furtherance of the aims and objects of the E.C.C. I deny that her involvement with the ECC centres predominantly around the portfolio as co-ordinator and refer to what has been set out above. I deny that Sgt. Louw apologised for having to lock her up and deny that he informed her that they were taking orders from elsewhere and / .....

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and that he was sorry he could not let her go. I deny that I was not courteous and considerate towards her and say that it is quite clear that these applicants are set upon discrediting me personally.

53. Ad paragraph 7 :

Fourth Applicant's involvement in the ECC program at the Grahamstown Festival was not the prime reason but was one of the reasons which influenced me in forming the opinion that her arrest and detention was necessary. My information which I received and which I relied on, specifically stated that the performance would have been politically orientated with songs intended to gain support for the ECC to be performed. From the documents annexed hereto that information is borne out. I therefore deny that no political songs would have been performed nor that this applicant really concerned herself with the provisions of the Emergency Regulations to the extent that she abided by these Regulations and did not try to contravene them. I deny that she ever discussed having received legal advice with either Sgt. Louw or myself. I deny that she is a pacifist and does not believe in violence, and refer to what has been set out above. I deny that I had no honest belief that her arrest and detention was necessary for the purposes referred to in Regulation 3 of the Emergency Regulations. X

I deny that I ever said that she was not a threat then but that she would be a threat by the end of the year. I maintained in the past, and am still of the opinion that she did constitute

and still constitutes a threat to public safety and that her arrest and detention was necessary for the purposes referred to in the Regulations. I deny that I am acting unreasonably or dishonestly. I never said that her detention would scare her off nor did I imply that she was only being detained for the purpose of being scared off. I never said that she was being controlled by outside forces or manipulated by communists although my information is that she sympathises with Communistic ideologies. The discussion about NUSAS was just a discussion in general and as pointed out above, this applicant was never detained for the purpose of being interrogated. I also never suggested that she had been misled by fellow members of NUSAS for reasons of their own. I deny having told her that she would be away for a long time and I also emphatically deny that I asked if I could tuck her in. What I said after our discussion was whether I could take her to her cell. I emphatically deny the suggestion that I made any sexual approaches to her. I deny that she gave me "a piece of 'her' mind" and say that there was no reason for her to do so. I say that these unfounded and irrelevant allegations are part of the obvious campaign to discredit me.

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54. Ad paragraph 8 :

I admit that Fourth Applicant was removed from Grahamstown to North End Prison. I state that she is lawfully detained, firstly in terms of an Order dated 27 June 1986 under Regulation 3(1) signed by myself annexed hereto as Annexure "LL". Thereafter she was transferred from the police cells in Grahamstown to the North End Jail, Port Elizabeth, under and by virtue of a Notice in terms of Regulation 3(4) signed by Major Herselman who was an authorised person to do so, a copy of which notice is annexed as Annexure "MM". Since then she has been detained in terms of a Notice by the Minister of Law & Order signed 4th July 1986 annexed hereto as Annexure "NN".

55.

Ad paragraph 9 :

I admit this meeting but deny that I said that they would be in jail for another six months.

56. Ad paragraph 10 :

I have dealt above with the various organisations referred to. I state that this applicant was busy with subversive activities and I genuinely fear that should she not be further detained, she will immediately start and continue these subversive activities. I deny that the program that they were going to present at this Grahamstown Festival would not be a political one and say that to our information it would have contravened the terms of the regulations and would have been in direct support of the ECC and subversive. My anticipation of her breaching one or other of the regulations was but one of many factors which I took into account and I refer to what has been set out above.



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IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

Case No.

In the matter between :

LOUISE CAROL VALE

First Applicant

and

NATALIE ANN BURROUGHS

Second Applicant

and

MELISSA DE VILLIERS

Third Applicant VILLIERS

and

KAREN LEIGH THORNE

Fourth Applicant

and

JEAN PATRICIA BURGESS

Fifth Applicant BURGESS

and

ANDRÉ ROUX

Sixth Applicant

and

TIMOTHY JOHN BOUWER

Seventh Applicant BOUWER

and

THE HONOURABLE MINISTER OF LAW

THE HONOURABLE MINISTER OF LAW

& ORDER

First Respondent

and

THE COMMISSIONER OF POLICE

Second Respondent

and

THE DIVISIONAL COMMISSIONER OF POLICE,

THE DIVISIONAL COMMISSIONER OF POLICE

EASTERN CAPE

Third Respondent.

and

THE COMMISSIONER OF PRISONS

Fourth Respondent

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AFFIDAVIT

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I, the undersigned MELISSA DE VILLIERS, do hereby make oath and say that:-

1. I have read the Affidavits filed by the Respondents herein and wish to reply as follows:-
2. Ad paragraph 4 (b) (xi) thereof: END CONSCRIPTION CAMPAIGN

There is no basis for the conclusions arrived at



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by Lt. Edwards. In this regard I would respectfully refer to the Affidavits filed herewith. I wish further to state that neither I nor the E.C.C are supporters of the ANC.

3. Ad paragraph 40 (a) thereof

It is so that I am involved with DELTA. It is not true that it is a radical Organisation or that its publication incites, politicises and radicalises the Black communities. In this regard I am sure that the ordinary laws of the land would have banned the publication if its characteristics were as described by Lt. Edwards. It is simply not so that the publication is the mouth piece of the "radical element of the UDF".

4. Ad paragraph 40 (b)

I have not been responsible for the Organisation of Consumer boycotts and such a suggestion is ridiculous in the extreme. These consumer boycotts, as I understand them, are organised from within the township.

5. Ad paragraph 40 (c) thereof

It is simply not so that I have acted as a go-between for Mr Liebenberg. In this regard I refer to the Affidavit of Liebenburg filed herewith.

6. Ad paragraph 40 (d) thereof

It is also that I attempted to attend the funeral and in regard I refer to the Affidavits filed herewith.

7. Ad paragraph 40 (e) thereof

I wish to point out that Mr Ratsomo is presently



IN THE SUPREME COURT OF SOUTH AFRICA  
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Case No

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In the matter between :

LOUISE CAROL VALE	First Applicant
and	
NATALIE ANN BURROUGHS	Second Applicant
and	
MELISSA DE VILLIERS	Third Applicant
and	
KAREN-LEIGH THORNE	Fourth Applicant
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JEAN PATRICIA BURGESS	Fifth Applicant
and	
ANDRÉ ROUX	Sixth Applicant
and	
TIMOTHY JOHN BOUWER	Seventh Applicant
and	
THE HONOURABLE THE MINISTER OF LAW AND ORDER	First Respondent
and	
THE COMMISSIONER OF POLICE	Second Respondent
and	
THE DIVISIONAL COMMISSIONER OF POLICE, EASTERN CAPE	Third Respondent
and	
THE COMMISSIONER OF PRISONS	Fourth Respondent

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A F F I D A V I T

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I, the undersigned, ERROL KNOTT MOORCROFT, do hereby make  
oath and say that :-

1. .... /



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1. I am an adult male farmer of "Clifton" Adelaide, Cape Province, and the Progressive Federal Party Member of Parliament for the Constituency of Albany.

2. I have been asked to consider aspects of the Affidavit of Lt. Lloyd Charles Edwards in this matter and comment thereon as follows:

3. Ad the sub-paragraph "End Conscription Campaign":

As the Member of Parliament for Albany, I am of necessity a politician. I do not regard the End Conscription Campaign as "potentially the most dangerous political movement to emerge in the current crisis". To the best of my knowledge my view is shared by the rest of my colleagues in the Progressive Federal Party Parliamentary Caucus.

4. The official policy of my Party is that conscription should be phased out in favour of an adequate professional permanent force supported by an entirely voluntary citizen force. We therefore do not regard opposition to conscription as being necessarily sinister, unpatriotic or subversive.

We simply believe that there are other and better ways of providing for the security of the country than by means of a conscripted force.

5. Ad paragraph 4 (b) (xvi) thereof:

About one week before the scheduled date of the

funeral ...../

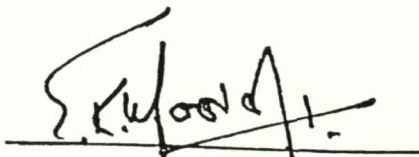
Ed.



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funeral of Mginywa I was approached by representatives of the Black Grahamstown Ministers Fraternal who requested me to attend the said funeral. It was felt that the presence of whites at the funeral would serve to reduce the potential for violence. The Ministers were desperate to stop the vicious cycle of funeral-death-funeral-death which the city had experienced before. In my particular case it was felt that I could act as intermediary between the people and the security forces should the need arise.

6. In the event I was called upon on a number of occasions to intercede. I received full co-operation from the security forces on each occasion. A few potentially serious confrontations were averted and there was consequently no loss of life or serious damage to property or injury to persons.
7. At the end of the day, I was approached by many black leaders and others who expressed appreciation for the fact that the events had passed without further loss of life.
8. I was accompanied by certain other concerned citizens who could in no way be regarded as sympathising with "radical elements" in the township. They shared my concern to bring violence to an end.



SIGNED...../



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SIGNED and SWORN to before me at Grahamstown on  
 this the 23 day of AUGUST 1986, the Deponent having  
 acknowledged that he knows and understands the contents  
 of this Affidavit which was deposed to in accordance with  
 the regulations governing the administration of an oath  
 as more fully set out in Government Notice R.1258 of the  
 21st July 1972 as amended by Government Notice No 1648  
 dated the 19th August 1977.

STRYDOM.  
 WH134053 KST

COMMISSIONER OF OATHS



IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

CASE NO.

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In the matter between :

LOUISE CAROL VALE

First Applicant

NATALIE ANN BURROUGHS

Second Applicant

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Fourth Applicant

JEAN PATRICIA BURGESS

fifth Applicant

ANDRÉ ROUX

Sixth Applicant

and

TIMOTHY JOHN BOUWER

Seventh Applicant

AND

THE HONOURABLE THE MINISTER OF LAW AND  
ORDER

First Respondent

THE COMMISSIONER OF POLICE

Second Respondent

THE DIVISIONAL COMMISSIONER OF POLICE,  
EASTERN CAPE

Third Respondent

and

THE COMMISSIONER OF PRISONS

Fourth Respondent



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~~19~~

GESWORE VERKLARING

Ek, die ondergetekende,

JACOBUS JOHANNES VAN WYK

verklaar hiermee onder eed soos volg :

1. Ek is n lektor in Staatsleer aan die Randse Afrikaanse Universiteit. Ek het n meestersgraad aan die Universiteit van Pretoria behaal. My navorsing fokus op konflik en nasionale veiligheid.
2. Aida Parker is n joernalis en nie n politieke wetenskaplike nie. Sy het geen aansien as n kundige oor politieke sake in die Staatsleergemeenskap nie.
3. By evaluering blyk dit dat die Aida Parker Newsletter van 8 April 1986 nie n gesaghebbende bron oor veiligheidsake in Suid-Afrika is nie. Intendeel, dit is n subjektiewe en oorvereenvoudige ontleding van n komplekse probleem.
  - 3.1 Die eerste punt van kritiek is dat die ontleding nie objektief is nie a.g.v. emosionele taal-gebruik, skimpe, eensydige argumente, en stellings wat nie deur feite onderskraag word nie.
  - 3.2 n Tweede kritiek is die vertrekpunte van Parker se ontleding. Haar idee dat alle opponente van die Suid-Afrikaanse regering deel van n kommunisties-geinspireerde komplot vorm, word verwerp. Die redes is : enkel faktor verklarings van sosiale verskynsels word deur wetenskaplikes verwerp; en die kommunistiese bedreiging word enersyds oordryf en andersyds word morele en nasionalistiese opposisie teen die politieke stelsel in Suid-Afrika misken. Die primêre probleem met Parker se ontleding is dat die "kommunisties-geinspireerde komplot" teen Suid-Afrika vooropgestel word. Haar werkswyse

is dus die selektiewe gebruik van argumente om dit te bevestig. Argumente tot die teendeel word geignoreer.

J. van Wyk

Hierdie verklaring is voor my geteken en beëdig voor my op 22ste Augustus 1986 deur die Deponent wie verklaar het dat hy die inhoud verstaan en begryp en dat die die waarheid is na die beste van sy kennis en begryp.

R. J. Tucker  
KOMMISSARIS VAN EDE

**RAYMOND JACK TUCKER**  
COMMISSIONER OF OATHS  
PRACTISING ATTORNEY-R.S.A.  
7TH FLOOR, DELVERS SQUARE  
C/R KERK & DELVERS STREETS.  
JOHANNESBURG 2001 ☎ 337-1501



IN THE SUPREME COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION)

Case No

133

In the matter between :

LOUISE CAROL VALE	First Applicant
and	
NATALIE ANN BURROUGHS	Second Applicant
and	
MELISSA DE VILLIERS	Third Applicant
and	
KAREN-LEIGH THORNE	Fourth Applicant
and	
JEAN PATRICIA BURGESS	Fifth Applicant
and	
ANDRÉ ROUX	Sixth Applicant
and	
TIMOTHY JOHN BOUWER	Seventh Applicant

and

THE HONOURABLE THE MINISTER OF LAW AND ORDER	First Respondent
and	
THE COMMISSIONER OF POLICE	Second Respondent
and	
THE DIVISIONAL COMMISSIONER OF POLICE, EASTERN CAPE	Third Respondent
and	
THE COMMISSIONER OF PRISONS	Fourth Respondent

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A F F I D A V I T

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I, the undersigned DAVID STANLEY DISON do hereby make  
oath and say that :-

1. I am an Attorney of the Supreme Court of South  
Africa, duly admitted and practising as such  
as a partner in the firm of BELL DEWAR & HALL  
Attorneys of Johannesburg.

2...../

- 2. The facts contained in this Affidavit are true and correct.
- 3. I have been advised by the Attorneys acting for the Applicants in this matter that the contents of the Aida Parker Newsletter No 79 of 1986 have been referred to by the Respondents in this matter and that the publication constitutes part of the papers.
- 4. I confirm that I have been the Attorney responsible at our firm for filing a complaint on behalf of the End Conscription Campaign ("ECC") against the publishers of this newsletter, namely Aida Parker (Pty) Limited. Such complaint has been admitted in written form to the Media Council of South Africa, and is presently under consideration by such Media Council. I attach hereto a copy of the representations which we have submitted in this matter. At this stage, we are still awaiting a decision of the Media Council in regard to the complaint that has been lodged.
- 5. The gist of the complaint, as can be seen from the representations, is the linking in the Newsletter of the "ECC" with the Soviet backed World Peace Council and its surrogates. The written representations which we have submitted on behalf of the "ECC" show clearly that there is no substance in these allegations. The "ECC" has instructed us that it regards the contents of this Newsletter as part of the smear campaign against it.

(Sgd) D S DYSON

SIGNED ...../



SIGNED and SWORN to before me at GRAHAMSTOWN on this the 28th day of AUGUST 1986 the Deponent having acknowledged that he knows and understands the contents of this Affidavit which was deposed to in accordance with the regulations governing the administration of an oath as more fully set out in Government Notice R.1258 of the 21st July 1972 as amended by Government Notice No 1648 dated the 19th August 1977.

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COMMISSIONER OF OATHS

ALL WORDS UNDERLINE ARE PRINTED IN THE ORIGINAL

END CONSCRIPTION COMMITTEE

EVIDENCE SUBMITTED TO THE GELDENHUYS COMMITTEE,  
CAPE TOWN 13 AUGUST 1985

SUBMITTED BY : Michael Evans  
(Cape Town ECC)

Richard Steele  
(Durban ECC)

C O N T E N T S

- PART I : INTRODUCTION
- PART II : STATEMENT OF COMMON BELIEF : REASONS FOR THE CALL TO END CONSCRIPTION
  - (a) Right of Individual Conscience - The International Context
  - (b) Right of Individual Conscience - The South African Situation
- PART III: ECC's INTERIM PROPOSALS
- NOTES AND APPENDICES

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END CONSCRIPTION COMMITTEE

EVIDENCE SUBMITTED TO GELDENHUYS COMMITTEE - AUGUST 1985

- PART I : INTRODUCTION
- PART II : STATEMENT OF COMMON BELIEF: REASONS FOR THE CALL TO  
END CONSCRIPTION
- PART III : INTERIM PROPOSALS

PART I : INTRODUCTION

At the end of 1983 End Conscription Committees were formed in Cape Town, Johannesburg and Durban. This followed a resolution passed by the Black Sash at its annual conference earlier in 1983 calling for an end to compulsory conscription into the SADF.

The End Conscription Campaign was seen as an appropriate response to the role of the SADF, the compulsory conscription of young white men, and the inadequate alternatives to conscription which the 1983 Defence Amendment Act had introduced.

The campaign is premised on the fundamental belief that individuals should have the freedom to choose whether or not to participate in the SADF.

Since its formation the End Conscription Campaign has grown rapidly and committees have now been established in the Eastern Cape and Pietermaritzburg. In June this year the ECC's first national conference was attended by 400 delegates and over 3000 participants.

The ECC is not an organisation but an umbrella body comprising a number of different organisations. It is not affiliated to any other organisation and is not aligned with any political grouping.

Nationally, 42 organisations are represented on the 5 End Conscription Committees. These include a range of church, women's student, political and human rights groupings. (See Appendix for list of member organisations).

In addition, many other organisations and a number of prominent individuals have endorsed the ECC declaration. Endorsing organisations include the Southern African Catholic Bishops Conference, the Anglican Bishops, the Cape and Grahamstown Methodist Synods, the United Congregational Church of Southern Africa, the South African Council of Churches and the United Democratic Front. Individual endorsers include Sir Richard Luyt, Archbishop Denis Hurley, Dr Beyers Naude and Mrs Sheena Duncan. (See Appendix for a copy of the declaration and a list of its endorsers)

Opposition to compulsory conscription has also been expressed by the Progressive Federal Party, which is involved in the End Conscription Campaign through its youth wing, the Young Progressives.

Although the organisations represented on, and associated with ECC have varying policies on a wide range of issues, they are united in their opposition to conscription.

PART II : STATEMENT OF COMMON BELIEF :

REASONS FOR THE CALL TO END CONSCRIPTION

A. RIGHT OF INDIVIDUAL CONSCIENCE - THE INTERNATIONAL CONTEXT

The End Conscription Campaign is based on the fundamental belief that individuals should be free to choose whether to participate in the SADF or not.

This belief is solidly based in international principles which recognise the right of freedom of conscience.



Article 18 of the Universal Declaration of Human Rights declares :  
"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to ... manifest his (or her) religion or belief in teaching, practice, worship or observance."

Other international conventions assert a similar position. (1)

Freedom of Conscience involves the right to decide and act on the ethical conviction that a particular action would be morally wrong. This conviction may be of secular or religious inspiration, and be supported by a variety of sources, religious or otherwise.

There are two major categories of convictions in respect of conscientious objection. The first is associated with the view that it is wrong under all circumstances to kill (the pacifist option). The second takes the view that the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases (partial or selective objection).

Whatever the category of conviction, or the reasoning by which such a conviction is reached, the important factor is the strength of personal conviction that to serve in the military would be wrong.

This notion of freedom of conscience with regard to military service is extended by the Nuremberg Principles, which emerged from the trials of Nazi war criminals in Nuremberg, Germany. According to these principles, a person under military authority who is ordered to commit "crimes against humanity", "crimes against peace", or "war crimes" would be punishable under international law and would thus have a right and a duty to refuse such orders. Thus the right of individual conscience with regard to participating in the military is extended to the situation where the soldier is actually engaged in his military service.

ECC believes that if the government were to uphold this internationally accepted right of individual conscience, all who face military service would be free to choose whether they participate in the SADF or not.



B. RIGHT OF INDIVIDUAL CONSCIENCE - THE SOUTH AFRICAN SITUATION

The question of the individual's right to choose has particular pertinence in the South African situation. Specifically, it is the nature of the system of apartheid and the role of the SADF in upholding this system that has caused so many organisations and individuals (including a large number of conscripts) to support the call for an end to conscription.

1. The role of the SADF inside South Africa

The organisations connected with ECC have a principled opposition to apartheid. For example, many of the church denominations and Christian groupings connected with ECC have asserted this opposition by declaring apartheid a "heresy" and "a sinful contradiction of the Gospel". (2)

They believe that the denial of basic human rights to the majority of South Africans and the unequal distribution of land and wealth are the root causes of the violence in our society. The only way in which to end the escalating cycle of violence is to remove these root causes. The use of security forces to contain those who are resisting injustice and inequality is no solution but only contributes to the on-going spiral of violence.

Furthermore, the SADF is not regarded as a neutral institution independent of government, but rather as an institution whose primary function is to defend apartheid:

- i) the SADF plays an important role in formulating government policy, especially through its participation on the State Security Council. (3)

Explicit SADF support for government policy has been clearly stated by Defence Minister General Magnus Malan:

"The Defence Force supports government policy and is responsible for peace, law and order in this country. This policy is the same as that laid down by H.F. Verwoerd, namely multi-nationalism and the self-determination of nations." (4)



- ii) the SADF maintains apartheid more directly when it assists in the arresting of black people for pass law offences (5), or in the forced removal of black communities. (6)
- iii) Even more significant is its involvement in containing civil unrest. It now appears to be policy that the SAP and SADF are jointly involved in situations of internal unrest. The army has been deployed in at least 23 townships over the past year. (7) In the period since the Uitenhage shootings, the SADF has been directly responsible for the death of at least five townships residents. (8)

Having spoken to many township residents and independent observers, the ECC believes that the deployment of troops in the townships has not had the intended effect of containing unrest. Instead, the effect has been to intensify resistance and deepen the conflict.

The ECC would therefore agree with the analysis of Dr Simon Baynham, political scientist at the University of Cape Town: "Where highly trained and powerfully armed soldiers - who are equipped for a combat role and thus may take on the appearance of an army of occupation - are called in to support the civil power, it is going to escalate the level of violence. Military weaponry and training are designed for killing on a battle-field not for subduing crowds. Using a sledgehammer to crack a nut is unlikely to achieve the desired result." (9)

The SADF is directly involved in the defence and maintenance of apartheid. In this context its enemy is not a foreign, external aggressor but black South Africans. The ECC therefore believes that the cause served by the SADF is fundamentally unjust.

This perception is shared by literally thousands of young white men. It was expressed in the dramatic increase in the number of conscripts who failed to report for military service this year - from 1,596 in 1984 to 7,589 in January 1985 alone. (10)



Although there are presumably a number of reasons for this increase, the ECC is convinced, from discussions with conscripts and their families, that a significant reason is the extensive use of the SADF in the townships. For many conscripts it is clear that the solutions to the problems of our country are political, not military, and that the path to peace lies not in confrontation and the declaration of a State of Emergency, but in genuine negotiation on the basis of equality between all South Africans.

The ECC consequently believes that it is completely unjustifiable, both morally and in terms of international principles of freedom of conscience, to force young men to be part of the SADF and to commit acts which violate their conscience.

2. Psychological effects of National Service and Militarisation

The ECC believes that militarisation and compulsory conscription have raised the level of violence in society as a whole. In 1981 a number of behavioral psychologists showed how "violence, drunkenness and sexual frustration in returning national servicemen are inevitable consequences of a border war which is growing in intensity." (11) A clinical psychologist at Potchefstroom University pointed out in a court case that soldiers "who cannot handle stress are potential murderers." (12)

In the course of ECC's work a considerable number of ex-national servicemen have described the psychological pressure they were subjected to in the SADF and their difficulty in coping with life in civilian society subsequently.

3. Role of SADF outside South Africa

In 1971 the International Court of Justice declared South Africa's occupation of Namibia illegal. Yet 14 years later the SADF maintains its presence in that country, against the will of its people.



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**END CONSCRIPTION CAMPAIGN (ECC)**

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