

Two acquitted on violence charges

By KEITH RANDLE

A MAN and woman were acquitted of public violence yesterday after a Port Elizabeth regional magistrate found there were contradictions in the evidence of State witnesses.

Mr Lindile Maswana, 20, and Miss Dindiwe Sandi, 21, who appeared separately, pleaded not guilty.

Mr P. P. J. van der Merwe, found both not guilty after Mr J. Jack-

son, who appeared for them, argued that there were contradictions in the evidence of two State witnesses, Const L. de Villiers, and Mr L. Madula.

In the trial of Mr

Maswana. Constable De Villiers said that on October 13, he fired a round of birdshot at Mr Maswana, one of a group of about 40 people who were stoning a New Brighton bottle store he and another policeman were guarding.

He said that although Mr Maswana was shot in the back, he continued throwing stones.

Constable De Villiers said that only after he fired at the group a second time did they and Mr Maswana run away. The incident, during which chaos reigned outside the bottle store, lasted about five minutes.

Questioned by the court, Constable De Villiers said Mr Maswana was also hit by birdshot when he fired at the group a second time.

At the close of the State case, Mr Jackson said that Constable De Villiers had contradicted himself about the shooting, and asked that his client be acquitted.

After a short adjournment, Mr Van der Merwe said the police constable had "seriously contradicted" himself and that Mr Maswana deserved the benefit.

In the second trial, Mr Jackson said at the close of the State case that the State witness, Mr Madula, had given four different versions of how his house in New Brighton had allegedly been stoned and set alight by four people on October 12.

Mr Jackson said that in the light of the contradictions in Mr Madula's evidence, his client should be acquitted.

Miss Sandi was found not guilty.

Mr R. Lombard appeared for the State.

IN THE HOPE guilty of violence

By KEITH RANDLE

EIGHT African men and a woman were yesterday acquitted on charges of public violence after a Port Elizabeth Regional Magistrate found that a State witness had "seriously" contradicted himself.

Miss L. Qilingela, 22, Mr S. Ndanama, 19, Mr S. Goezula, 24, Mr H. Mpongoshe, 19, Mr M. Tshaka, 19, Mr T. Sanggo, 25, Mr S. Tiso, 21, Mr T. Marmana, 27 and Mr M. Marmana, 30, all pleaded not guilty of throwing petrol bombs at the house of Mr Charles Kamanda, in New Brighton, on November 7.

In acquitting the nine, Mr P. J. Botha said it was "most unfortunate" that Mr Kamanda's house had been attacked for no reason.

Contradictions

However, Mr Kamanda was a single witness in identifying the nine and his evidence contained serious contradictions which could not be explained.

Mr Kamanda a former township inspector, said the nine were part of a group of 11 people who threw petrol bombs into his house causing damage of about R200.

He knew the nine well and after the attack, went to the New Brighton police station where he gave their names to the police.

Cross-examined by Mr J. Jackson (for the nine) he said that there had been more than 20 people in the group.

He denied that he had accompanied a police constable when the nine were arrested at their houses in the early hours of November 8.

Broken

Const B. J. Simon said he went to Mr Kamanda's house early on November 8. Three windows were broken and the house was "wet with paraffin and petrol".

Mr Kamanda told him he knew who was responsible and took him to certain houses where the nine were found and arrested.

When the State closed its case after Const Simon's evidence, Mr Jackson asked the court to acquit his clients.

Mr Jackson said the State was relying solely on the evidence of Mr Kamanda for identification purposes. Mr Kamanda had on several occasions changed the impression of his evidence, and on one aspect, the arrest of the nine, his evidence was contradicted by Const Simon.

Mr S. Schnetler appeared for the State.

Qulingele
others

(KAMANDA)

SACC to pay costs of Biko inquest

HERALD CORRESPONDENT

JOHANNESBURG. — The South African Council of Churches yesterday assumed total responsibility for the payment of the costs of the Biko inquest.

Speaking on behalf of the SACC, Mr John Rees, the organisation's acting general secretary, said yesterday the costs of the inquest would be in the region of R75 000 and would be met by the council's Asingeni Relief fund.

This fund supported by Christian churches locally and abroad, operated openly and had assisted in over a thousand legal cases of which the Biko inquest was the largest Mr Rees said.

Mr Rees made this statement in the wake of Press reports linking the financing of the inquest with a Washington based group, the South African Project of the Lawyers' Committee for Civil Rights under Law.

An English morning newspaper claimed yesterday the group had pumped R1 million into South Africa for legal fees in Black Consciousness cases.

Paid

Earlier in the week an Afrikaans newspaper claimed that a whole network of South African lawyers was being paid by the South African project to act in political cases. Money for these lawyers was almost unlimited, the newspaper claimed.

Reacting to the Press reports, Mr Rees said yesterday there had been an apparent attempt to cast suspicion on the integrity of those genuinely concerned to see that all the facts of the Biko case were revealed.

The time has now come for the record to be set straight in regard to this matter, Mr Rees said.

"The SACC, through its Asingeni Relief Fund, has assumed the total responsibility for the payment of the cost of the inquest into the death of the late Steve Biko.

"The decisions as to how that money is to be expended are left entirely in the hands of the SACC. A very strict set of criteria is applied to each application that comes before the Asingeni Relief Fund."

The fund, operating quite openly, had been

responsible for a colossal relief programme since the outbreak of the Soweto riots last year.

Despite assertions to the contrary, details of the fund had been made public, Mr Rees said.

Dismissing the dramatic assertion that the inquest would cost around R250 000 as the figment of some excited person's imagination, Mr Rees said the costs would be in the region of R75 000.

Mr Rees said the Asingeni Relief Fund had been involved in the majority of inquests into deaths in detention since June, 1976.

"The sole purpose of our involvement in this matter is our strong belief that, enshrined in the South African legal system, is the right of all persons to seek and obtain justice," the statement said.

The money was received openly, spent through reputable legal firms and subject to intense and accurate accounting for the purpose of reporting to donor churches, Mr Rees said.

Youths, girl guilty of public violence

HERALD REPORTER

IN SIX separate cases in the Port Elizabeth Regional Court yesterday, 16 youths and a girl, aged between 14 and 17, were convicted of public violence arising from stone throwing incidents in the townships.

The 16 youths and the girl all pleaded guilty.

In the first case, three youths admitted being part of a mob which stoned and burnt two buses in New Brighton on December 20. The prosecutor, Mr C. C. Klackers, told the court that R10 000 damage was done to the buses.

The youths were each sentenced to six cuts.

In another case, sentence on a 14-year-old girl was postponed for three years after she admitted being part of a mob which stoned police vehicles in New Brighton.

In a further case a youth was sentenced to six cuts for stoning a police vehicle in New Brighton on Tuesday. Mr Klackers said police fired a round of birdshot at the youth, which missed, and they chased and arrested him.

In another case four youths were each sentenced to six cuts after they admitted stoning two cars being driven by detectives. Mr Klackers said the detectives were on patrol in Zwide when they came across a mob who threw stones at them and made Black Power salutes.

Abandoned

Mr Klackers said that detectives were forced to leave and one of their cars stalled and they had to abandon it.

In passing sentence, the Magistrate, Mr P. J. Botha, warned the youths that despite their age the court did not have to impose cuts. He said for a crime of this nature their freedom could be taken away from them for a long time.

In another case seven youths were each sen-

tenced to six cuts after they admitted stoning the home of a policeman, Mr Joseph Mpandi in December 20. Mr Klackers said that had Mr Mpandi not fired at the mob with his service revolver the damage caused to his house would have been greater.

In a further case a youth was sentenced to seven cuts after he admitted being part of a mob which stoned private cars and forced the owners to make the Black Power salute in New Brighton on Monday.

Carcass

Mr Klackers said the youth helped himself to a sheep carcass from one of the cars which he searched.

In another case nine youths appeared briefly on a charge of sabotage. No evidence was led and they were not asked to plead. They were all remanded in custody until February 6. No further details of the alleged sabotage were available from the charge sheet.

Mr P. J. Botha was on the Bench and Mr C. C. Klackers appeared for the State in all the cases. None of the youths or girl was represented.

Two jailed for public violence

HERALD REPORTER

TWO MEN who were said to have stoned a policeman while he was guarding a bottle store in New Brighton were convicted of public violence and were each jailed for two years by a Port Elizabeth Regional Magistrate yesterday.

Mlungisi Pasi, 30, and Samuel Gotshana, 30, both pleaded not guilty.

Const J. A. Kleynhans told the court he was guarding the Avenue C bottle store at 10am on November 14 when a group of about 50 people gathered in front of him and started to stone the bottle store.

He said Pasi and Gotshana, who were in front of the mob, shouted: "You can shoot us but Black Power will win."

Const Kleynhans said both men threw stones at him and he later arrested them.

No reason

Gotshana told the court he was arrested by Const Kleynhans for no reason while he was standing with Pasi opposite the bottle store. He denied throwing stones at the police and said he had not seen any unrest. Pasi did not give evidence.

Mr Fischat, for both men, said the court had failed to prove the men were guilty of public violence. He said the evidence of Gotshana could reasonably be true.

The magistrate, Mr P. J. Botha, said Const Kleynhans had impressed the court with his evidence while Gotshana's evidence had been unlikely. He said the court had no hesitation in rejecting Gotshana's evidence.

Deterrent

In passing sentence Mr Botha said the damage caused to property and relations in the townships over the past couple of months was incalculable. He said in the present conditions public violence was a serious offence and when passing sentence the court had to bear in mind the deterrent factor.

Mr P. Crous appeared for the State.

Nine jailed for arson

HERALD REPORTER

A PORT Elizabeth magistrate sentenced nine men to two years' imprisonment each yesterday for burning down a police reservist's house in Missionvale on September 19, causing damage estimated at R1 805.

Sankie Ntshanyana, 25, Harold Pokpas, 18, Ronnie McKenzie, 18, George Honnes, 20, Isaac Jaftha, 18, Henry McKenzie, 20, Piet Potgieter, 27, and two youths aged 16 and 17 pleaded not guilty.

One year of Jaftha's sentence will run concurrently with a 7½-year prison sentence he is serving for a number of convictions, and one year of the 16-year-old youth's sentence was suspended for five years.

Passing sentence, the magistrate, Mr E. de Beer, said a uniform sentence was appropriate because the men acted as a group.

He said: "It is a serious crime. It seems as if you were not concerned at all whether there were any people in the house when you set fire to it.

"This indicates irresponsibility on your side. The court also notes a degree of premeditation."

Mr De Beer said the case was heard in camera and evidence was that the men set fire to a house belonging to Sgt Peter Hendricks, Mr Willem Williams, and Mrs Mieta Hendricks about midnight.

A group called the Peacemakers held a meeting at Sergeant Hendricks's house earlier that evening, he said. They received word that a gang called the Mongrels planned to burn down Sergeant Hendricks's house.

The magistrate said it was probable that the men deliberately drank a case of wine before starting the fire to give them "Dutch courage".

They probably thought it would serve as a mitigating factor if convicted.

Mr P. J. D. Coetzee appeared for the State. The men were not represented.

Jail and cuts for unrest violence

HERALD REPORTER

FOUR men were yesterday sentenced to jail terms and four youths, to cuts, in six trials arising from the unrest in Uitenhage's townships during June.

The cases were heard in a Special Regional Court, sitting at the Algoa Park police station, Port Elizabeth.

Elihan Dioto was jailed for three years after he was convicted of assault with intent to do grievous bodily harm, and theft. He pleaded guilty of the assault but not guilty of theft.

Mr Freddie Andries told the court he was in bed at his Langa home at 3.30pm on June 16 when there was a knock at his door.

Masked

Dioto and 12 other masked men, walked into the house.

Dioto asked Mr Andries for liquor and when he refused he stabbed Mr Andries below the eye. Mr Andries said he had lost his sight in that eye.

He said Dioto took his wristwatch and stole R30 from his trouser pocket.

Dioto told the court he went to Mr Andries's home because Mr Andries owed him money. He said he stabbed Mr Andries once in self defence and denied stealing the wristwatch.

In judgement, the magistrate, Mr B. P. Loots, said it was clear that this had been a planned attack by Dioto and a group of his "cronies".

Dioto admitted previous convictions of theft, robbery and assault.

In another case Richard Ndlovu, 23, and two youths, aged 17, admitted being part of a mob which burnt and looted a bottle store in Langa on

June 16. They were each sentenced to five cuts with a light cane.

In a further case, a youth, aged 17, admitted being part of a mob which burnt and destroyed the Ilinge Higher Primary School, in Langa, on June 16. He was sentenced to six cuts.

Mob

In another case a youth pleaded guilty to two counts of public violence in Kabah. He admitted being part of a mob which burnt, stoned and looted a bottle store on June 16. He also admitted being part of a mob which burnt and looted a Despatch Bakeries van on June 16. He was sentenced to five cuts with a light cane.

In another case Mkuiko Simmington Plaatjes, 24, was jailed for a year after he admitted stealing groceries from Mangandela's Cash Store, in Langa, on June 15.

Theft

In a further case Jan Jagers, 18, was jailed for nine months after he was convicted of house-breaking with intent to steal and theft.

Jagers admitted stealing a hi-fi set from Mr Daniel Mbabane's home on June 19 in Langa.

The hi-fi, valued at R200, was recovered by police.

Mr B. P. Loots was on the Bench and Mr C. C. Klackers appeared for the State in all the cases. Mr J. B. Jackson appeared for Plaatjes and Dioto.

African pupils get chance to write exams

By PHOEBE LANGE

SCHOOLS in 11 Elizabeth African townships reopen today to give most of the 1000 pupils who boycotted classes during the last quarter of 1977 the chance to complete a year's education.

The schools were re-opened as a result of a decision to suspend the boycott, intensive negotiations and writing the school board's decision in January 1978.

The schools will accept 5000 pupils for Forms 1, 2, 3 and 4, Matriculation and Senior Certificate, including external examinations. They were set by the Department in the case of Standard 5 and the Joint Matriculation Board for Forms 6 and 7. In contrast to Port Elizabeth where a handful of pupils sat for the November external examinations, about 85 to 90 per cent of candidates wrote throughout the country and abroad.

The authorities have warned of the educational logjam that could result from a continued boycott by the majority of pupils. They have said it could place in jeopardy the admission of the expected 1978 intake of 6000 pupils to the townships where there is no room for further increased production.

In an earlier interview from Cape Town, the Regional Director of Bantu Education, Mr D. H. Owens, appealed to parents to send their children back to school.

"The department is giving them the chance to write the internal promo-

tion examinations. I trust parents will see this as an answer to a situation which is very harmful to their children's interests," he said.

Meanwhile the department is aware of the demands from school committees, teachers, parents and pupils to phase out Bantu education. This will be high on the list of priorities to be discussed in Pretoria on Thursday when representatives of the African Teachers' Association of South Africa (Atasa) meet the Minister of Bantu Education.

The Atasa delegation will be headed by its president, Mr Randall Peteni, a former New Brighton school principal now lecturing at the University of Fort Hare.

In an interview earlier last month, Mr Peteni said he welcomed reports that a Cabinet Committee had been established to review Bantu education.

He said what Atasa wanted was the introduction of a system in which all children were educated under the Department of National Education. Only the Cabinet could take such a decision.

Woman convicted of violence

HERALD REPORTER

A WOMAN who was shot after allegedly stoning police vehicles and making black and white graffiti in New Brighton in November, was convicted of public violence yesterday by a Port Elizabeth regional magistrate.

Sentence on Mrs. Bonaparte was handed by Magistrate P. J. Botha at the regional court in Port Elizabeth. Mrs. Bonaparte, 38, was arrested on November 14, 1975, after being shot in the back by a police officer. She was taken to the hospital and later died of her injuries.

In her defence, Mrs. Bonaparte's lawyer, Mr. S. Schnetler, said she was a peace-loving woman who had been harassed by a group of men in the area. He claimed that she had been stoned and that she had been shot in the back.

Fired shot

Mr. A. J. Moolman, a former police officer, told the court that he had seen Mrs. Bonaparte at the scene of the crime. He said that she had been stoning police vehicles and making power salutes.

He jumped out of his van and fired a shot of which in the opinion of Mrs. Bonaparte, who he later arrested, Mrs. Bonaparte's rain coat was blood-stained and she was taken to hospital.

Under cross-examination, Mr. Moolman said he did not remember seeing Mrs. Bonaparte until she was arrested. Mrs. Bonaparte did not give evidence.

In argument, Mr. Botha asked the court to acquit Mrs. Bonaparte because he said a possibility of error in Mr. Moolman identifying Mrs. Bonaparte had not been ruled out.

Satisfied

In judgment, the magistrate, Mr. P. J. Botha, said the court was satisfied that Mr. Moolman's evidence was clear and satisfactory. He said Mr. Moolman made a good impression on the court.

Mr. Botha said the court was sure Mrs. Bonaparte had stoned the police vehicles.

She was sentenced to two years in prison.

Mr. S. Schnetler appeared for Mrs. Bonaparte.

Two years for stoning store

HERALD REPORTER

ANDILE MATE, 18, was yesterday jailed for two years by a Port Elizabeth Regional Magistrate for stoning a bottle store in New Brighton and stealing a case of wine.

Mate, who admitted a previous conviction for robbery in 1975, pleaded not guilty of public violence.

Passing sentence Mr. P. J. Botha said that Mate's offence was serious, especially when seen against the background of unrest in Port Elizabeth townships recently.

The magistrate said that for the past four months, special courts sitting at the Algoa Park police station had heard "untold" cases arising from violence in the townships. In not one case had the courts been able to establish a motive behind the violence.

He said the interests of the community had to be considered and he hoped the sentence on Mate would serve as a deterrent to others.

Mr. Botha said he accepted the evidence of Const R. Hurter who said Mate was in front of a group of about 50 people who stoned the Mendi Road bottle store on October 13.

Const Hurter said Mate then entered the building and ran off with a case of wine. He chased Mate and arrested him.

Mate denied stealing the wine. He said he was arrested while innocently walking past the bottle store on his way home from work.

The court rejected his evidence as "unreliable".

"I was walking past the bottle store when I was arrested," the magistrate said.

Mr. S. Schnetler appeared for the State. Mr. M. S. Mackay appeared for Mate.

Two found guilty of arson

HERALD REPORTER

A SUPREME Court judge yesterday convicted two men of arson for burning down De Vos Malan Primary School in Schauderville, Port Elizabeth, on February 14, causing damage of R236 000.

Clifton Williams and Reubin Mennis, no ages or addresses given, pleaded not guilty.

Giving judgment, Mr Justice De Wet said the fact that the school was burnt down was sufficient confirmation of later admissions by Williams and Mennis that they had started fires at the school.

Evidence, he said, was that they wanted "to pull a dirty on the school".

Mr Justice De Wet gave reasons why he thought a crime had been committed.

He said the only inflammable liquid kept in the school was petrol for the lawn mower. This was locked away in a room undamaged by the flames which gutted the rest of the school.

Evidence of the school principal that he saw fires breaking out simultaneously in two parts of the building, 30 metres apart, ruled out the possibility that the fire could have been started by defective electrical wiring.

Blood spots near one broken window indicated that there were attempts to break into the school, especially as Mennis had a hand injury which could have been caused by a broken window.

"These factors, taken together, indicate that arson was, in fact, committed," Mr Justice De Wet said.

He said evidence was that Williams and Mennis siphoned petrol from a car, hid it in the school grounds and returned later that night.

First they broke several windows of the school. Then they threw petrol on the buildings and lit them.

Sentence on the two men was handed by Mr Justice De Wet.

Mr J. Hennings appeared for the State. Mr H. Liebenberg appeared for Williams and Mennis. Mr G. D. Porter - Mathew OC and Mr J. A. le Grange sat as assessors.

Passing sentence in a court at the Altona police station, Mr. F. van der Merwe said African women had to realise that if convicted of offences stemming from unrest, "they will not get away with suspended sentences".

The girl, who said she was a Standard 7 pupil, pleaded not guilty of public violence.

Sgt D. Marais said that on November 6 he was on patrol in Songolana Street, New Brighton, when a group of about 12 people stoned a patrol vehicle travelling in front of him.

When the 12 saw his vehicle approaching, they scattered. The girl, who was one of them, tried to run into a nearby house but was caught by Constable S. Maneni.

Sergeant Marais said he had to restrain an undisciplined African man from striking the girl a hiding for stoning the police vehicle.

The girl denied throwing stones. She said she was on her way to a neighbour's house to borrow salt when Constable Maneni arrested her.

The girl's mother said she sent her daughter to a neighbour to borrow salt and was surprised to hear later that she had stoned a police vehicle.

She said she told the girl's uncle to give her a hiding for what she had done.

In convicting the girl, Mr Van der Merwe said he was satisfied with the State's version of the incident.

He said that public violence was a serious charge. Police had to patrol the Port Elizabeth townships to protect law-abiding citizens.

It was clear from evidence relating to previous court trials that women, especially those under 18, had played a big part in township unrest.

"The court feels that the interests of the public are more important than the interests of the accused. The court has decided to make an example of you in the hope that the sentence passed will deter others," Mr Van der Merwe said.

He said that 12 of the 18 months' imprisonment imposed would be suspended for five years on condition that the girl was not convicted of public violence or sabotage during that time.

Mr R. Lombard appeared for the State. The girl was not represented.

Pupils found guilty

HERALD REPORTER

A MAGISTRATE, Mr A. S. Fritz, convicted 20 of 97 African high school pupils arrested in Fingo Village, Grahamstown, yesterday morning on charges under the Riotous Assemblies Act. Sentence was postponed until tomorrow.

All 20 pleaded guilty.

Forty-two pupils appeared before Mr F. Pretorius on similar charges. No evidence was led and the pupils were not asked to plead. The case was postponed until today.

The remaining 35 will appear today.

All 97 — 50 youths and 47 girls — are being held in custody.

The 97 were arrested during a protest march by several hundred pupils of the Nathaniel Nyaluza High School, Grahamstown.

Mr F. J. Fischer, who appeared for the State at both of yesterday's hearings, asked that four of the 20 convicted who he said had shown no sign of remorse be sent to prison.

He said the remaining male pupils should receive the maximum number of cuts and that the girls should receive prison sentences suspended for five years.

Mr P. Pringle appeared for the pupils at both hearings.

Cuts for firing car

HERALD REPORTER

A 14-YEAR-OLD youth, who was kept in custody for two months, was sentenced yesterday to three cuts after he told a Port Elizabeth regional magistrate that he had been part of a mob which set fire to a teacher's car.

The youth pleaded guilty of public violence in that he set on fire Mr Joseph Pebeta's car in Kwazakele on October 12.

Mr J. Jackson (for the youth) asked the court not to see the case against the background of the unrest in the townships because this had been a private matter.

Mr Jackson said the youth had been part of a mob which set the car on fire. The youth had not played an active part in setting it on fire but had been aware of his actions.

The rest of the youths ran away and the youth was the only person arrested. He asked the court to impose a moderate penalty.

In passing sentence, the magistrate, Mr P. P. J. van der Merwe said that although the youth had committed a serious offence, the court would not impose the maximum number of cuts.

Mr R. Lombard appeared for the State.

No bail for perjury case trio

HERALD REPORTER

THE cases against the three members of the Association for Scientific Advancement and Technology (ASAT) who appeared individually on allegations of perjury in a Port Elizabeth Magistrate's Court were yesterday postponed to January 4 and all were refused bail.

The cases against Mr Alcott Khaliphile Kibi, 22, Mr Lulamile Theophilus Nyathi, 27, and Mr Watson Mti, 21, no addresses given, were postponed for further investigations.

At their first appearances on Tuesday, they were not asked to plead and no evidence was led.

At their first appearances they were represented by Mr J. Miga who was not present yesterday.

Mr N. C. Gey van Pittius was on the Bench and Mr P. Goosen appeared for the State.

Girl, 17, jailed for stoning vehicle

HERALD REPORTER

AN AFRICAN girl of 17 was yesterday sentenced to 18 months' imprisonment (12 months conditionally suspended for five years) by a Port Elizabeth regional magistrate for stoning a police patrol vehicle in New Brighton this month.

Man jailed for attempted arson

By KEITH RANDLE

A YOUNG African man who was wounded by police after he tried to set fire to a shop, was jailed for three years by a Port Elizabeth Regional Magistrate yesterday, for attempted arson.

Passing sentence on Edward Noqekwa, 20 — who was hit three times in the arm with bird shot — Mr P. P. J. van der Merwe said had Noqekwa not been wounded by police fire, he would have imposed a longer jail sentence.

Noqekwa, who appeared in a special court in Algoa Park with his right arm in a sling, pleaded not guilty.

Const N. Botha said that about 3am on October 22, he was patrolling Zwide township when he saw a group of people standing behind a shop in Bukwa Street.

When the group saw the police vehicle approaching they ran away, with the exception of Noqekwa, who had a tin in his hand and appeared to be pouring something under the shop's back door.

Ran away

Noqekwa dropped the tin and ran away in the direction the others had gone.

Const Botha said he gave chase and fired three rounds of bird shot, all of which struck Noqekwa in the right arm, causing him to fall.

He arrested Noqekwa.

He returned to the shop and found that paraffin had been poured on and under the door. There were also traces of paraffin in the tin. Const Botha said.

Noqekwa denied being near the shop. He said he was walking along the pavement in Spondo Street when a police vehicle approached him from behind.

Thinking the vehicle was going to knock him down, he ran away. Three shots

rang out and struck him on the right arm. He fell to the ground and was arrested by Const Botha, he said.

The magistrate dismissed Noqekwa's evidence as "improbable".

He said that although Noqekwa had no previous convictions, his offence was serious enough to warrant a jail sentence.

"Had the police not arrived at the shop when they did, one can imagine what would have happened," the magistrate said.

He said for purposes of sentence, the court had to consider the vast number of buildings, shops, houses and cars that had already been destroyed by arsonists during unrest.

Noqekwa was not represented.

In another trial before Mr Van der Merwe, Justice Matshabane, 22, was jailed for 30 months for stoning a bus in New Brighton, on October 12.

He pleaded not guilty.

Const R. Hurter said he arrested Matshabane after he and a group of people stoned an empty bus parked in Tshanga Street.

The court rejected Matshabane's evidence that he had merely watched the group stone the bus.

"Why would a police officer observe a crowd stoning a bus and then arrest an individual who was not even involved?" the magistrate asked.

Matshabane, although a first offender, did not deserve the benefit of a suspended sentence because of the nature of his offence, Mr Van der Merwe said.

Mr R. Buchanan appeared for the State, Mr D. Nacerodien appeared for Matshabane.

Court warns girl, 15

HERALD REPORTER

THE State withdrew a charge of public violence against a girl of 15 when she appeared yesterday before a Port Elizabeth regional magistrate.

She allegedly committed the offence in New Brighton on December 12. No further details were available from the charge

sheet.

The magistrate, Mr P. P. J. van der Merwe, warned the girl to stay away from places where stones were thrown. He said the police would keep a watch on her behaviour.

Mr R. Lombard appeared for the State. The girl was not represented.

Stone-thrower sent to jail

HERALD REPORTER

A MAN who was said to have made Black Power salutes and shouted "amandla" while stoning a policeman guarding a burnt out car was jailed for three years yesterday after a Port Elizabeth regional magistrate convicted him of public violence.

Kolisile Goodwin Kula, 36, pleaded not guilty.

Const H. C. du Pisanie, of the anti-riot unit, told the court he and other police were guarding a burnt-out car in New Brighton on Monday when a group of about 30 to 50 men gathered in front of the police. Kula was at the front of the mob and he made Black Power salutes, shouted "amandla" and threw stones at the police.

Const Du Pisanie said that when he picked up his firearm the mob ran away. He chased and arrested Kula.

He said that on Monday there was general unrest in the townships.

Kula told the court he was walking along the street when Constable Du Pisanie arrested him for no reason. He said he had just walked past a burnt-out car.

He said that after his arrest a policeman told him that if he wanted to get out of jail before Christmas he would have to admit that he had thrown stones at the police. He denied stoning the police.

In judgment, the magistrate, Mr P. P. J. Van der Merwe said that Kula's evidence was so unlikely that the court had no doubt about rejecting it. He said that this was not a sporadic incident but something which had been going on for a couple of months.

Kula, through his actions, had caused others to commit acts of violence. Mr Van der Merwe said he took into account that Kula was a first offender.

Mr R. Lombard appeared for the State. Kula was not represented.

24 stone-throwers sentenced to cuts

HERALD REPORTER

IN 12 separate cases, 24 youths were convicted of public violence and sentenced to cuts yesterday after a Port Elizabeth magistrate was told that they belonged to mobs which stoned buses, cars and private homes in Port Elizabeth townships last month.

11 arrests in petrol bombing

HERALD REPORTER

ELEVEN men were arrested this week in New Brighton, Port Elizabeth, in connection with petrol bombing of a house.

The Divisional Criminal Investigation Officer, Col Marcus van der Merwe, said a group of people aged 19 to 30 allegedly threw petrol bombs through the lounge window of a house in New Brighton on Monday. He said the occupant was accused of being a police informer.

Colonel Van der Merwe said that about R200 damage was caused to curtaining and flooring.

The youths, aged from 13 to 17, all pleaded guilty when they appeared at a special court sitting at the Algoa Park police station.

In the first case two youths, aged 14 and 16, admitted being part of a mob which stoned police vehicles, shouted "black power" and made black power salutes in Stokwe Street, New Brighton. They were each sentenced to four cuts with a light cane.

In another case a youth, 15, admitted stoning and damaging a car owned by Mr V. Van Huysteen, in New Brighton on October 13. He was sentenced to four cuts with a light cane.

The magistrate, Mr D. F. M. Smith, asked the youth when he had last attended school. The youth said it was in October because he was scared of being assaulted by other boys. Mr Smith said the police would take action to protect people who wanted to go to school.

In a further case two youths, aged 16 and 13, admitted being part of a mob which stoned police vehicles in Zwide on October 21.

He knew

The mother of the 13-year-old told the court that she had taught her child the difference between right and wrong. She said he knew that it was wrong to stone police vehicles.

The youth of 16 was sentenced to four cuts and the 13-year-old to two cuts. Mr Smith said, however, that the 13-year-old was capable of throwing just as big a stone as the older youth.

In another case, five youths were sentenced to cuts after they were convicted of five counts of public violence. They admitted stoning buses, cars, police vehicles and a private home in New

Brighton between October 12 and 13.

Two of the youths, aged 16 and 15, were sentenced to five cuts while the other three, aged between 14 and 15, whom the magistrate said were small in build, were each sentenced to three cuts.

Stoning

In another case five youths, aged between 14 and 16, admitted stoning the home of Mr J. Badenhorst, a car and a police vehicle. The older youths were sentenced to five cuts and the younger ones to three cuts.

In another seven cases nine youths were sentenced to cuts after they admitted stoning houses, police vehicles and private cars during October. The ages of the youths varied from 14 to 17 and the sentences imposed on them ranged from three to six cuts.

Remanded

In a further two cases, 14 men and three women appeared briefly on charges of public violence. They were all remanded in custody until November 17. An application for bail was refused after the prosecutor told the court that they were arrested on Tuesday and the police had not finished investigations.

Mr D. F. M. Smith was on the Bench and Mr R. Lombard appeared for the State in all the cases. None of the youths, men or women was represented.

Magistrate warns packed gallery

HERALD REPORTER

BEFORE passing judgment on three men charged with incitement a Port Elizabeth regional magistrate yesterday warned a packed gallery against any untoward action because he had told police to stand outside the court.

The magistrate, Mr J. B. Robinson, made the remark before acquitting Mr Monde Spier, Mr Vusumzi Mahejane and Mr Tozamide Botha of incitement.

He said that it was the practice of people to shout

and cheer as the verdict was passed. Mr Robinson said that on each of the four days of the trial he had remonstrated with the people not to treat the court proceedings as a joke.

Mr Robinson said he had told police to stand outside the court and if any untoward actions took place steps would be taken against the offenders.

A murmur from the gallery was soon stifled by the court interpreter as the men were acquitted. The crowd then filed out of the court in an orderly manner.

Man sobs as court told of 'stoning'

HERALD REPORTER

MR ALFRED Klaas, 22, broke down and started to sob in a Port Elizabeth Regional Court yesterday alleging that a policeman giving evidence was telling lies.

Mr Klaas, who was appearing on a charge of public violence, broke down while Sgt W. C. Groenewald, of the anti-riot unit, was giving evidence.

The State alleges that Mr Klaas stoned a bus in New Brighton at 9pm on December 21.

Later on in the trial while he was being cross-examined by the prosecutor, Mr P. Crous, Mr Klaas closed his eyes and lifted his hands to his head, swaying on his feet. The magistrate, Mr P. J. Botha, then ordered that the court adjourn.

Helped

Mr Klaas was helped from the witness box to the dock by the court interpreter, Mr W. Saul. After a short adjournment, Mr Botha postponed the case to January 18 so that Mr Klaas could be examined by the District Surgeon.

Mr Klaas asked the court if he could be released on warning because there was nothing wrong with him.

Sgt Groenewald told the court he was travelling in a bus in New Brighton when Mr Klaas stoned it. He said he shot Mr Klaas with birdshot and he fell to the ground. He was later taken to hospital.

Mr Klaas denied that he had stoned the bus or that he had been shot. He said Sgt Groenewald was telling the court lies.

Mr Klaas, who was not represented, was remanded in custody.

Three free, witness held for perjury

HERALD REPORTER

A STATE witness was asked in an incitement trial in Port Elizabeth yesterday how he had felt when taken to the Santam Building, where Steve Biko had been interrogated and George Botha had committed suicide.

"Very nervous" was the reply of the witness. Mr Mankiso Nobhadula, who said Security Police had taken him from his home at 1am yesterday to the Santam Building.

The question was posed by Dr W. E. Cooper, SC, defending three men on an incitement charge. The three men Mr. Monde Spier, 23, Mr. Vusumi Mohejana, 21, and Mr. Tozani Botha, 27, were subsequently acquitted.

But the witness Mr Nobhadula was arrested for alleged perjury after he had denied that a statement made to the Security Police was true. The prosecutor, Mr P. Cross, informed the court of this after Mr Nobhadula had given his evidence.

Perjury

The State alleged that the three men made inflammatory speeches at a fund-raising concert at the Rio Cinema, New Brighton, on October 23. Mr Nobhadula was the sixth State witness to be arrested on charges of perjury after giving evidence at the trial of the three.

Mr Nobhadula told the court he attended a show at the Rio Cinema to raise funds in aid of the children who had been arrested at St Stephen's Hall. He said Mr Botha got on to the stage and said that if the police arrived they should sit down. The audience gave the Black power salute.

Mr Mohejana later got on to the stage and said that all shebeens must be closed. Mr Nobhadula said Mr Mohejana said shebeens made people drunk and caused them to act violently and be shot at by police.

Mr Nobhadula also said Mr Mohejana told the audience informers should be killed and their homes burnt down. When Mr Mohejana got off the stage the audience all raised their hands and

shouted, "Power is ours".

Cross - examined by Dr Cooper. Mr Nobhadula said he had been taken from his home at 1am yesterday to the Santam Building. Two children and a Miss Pitana were also fetched from their homes and taken with him.

Mr Nobhadula said he did not have the slightest idea why the police had taken him from his home. Dr Cooper then put it to Mr Nobhadula that he could not have felt happy about being in the building where the late Steve Biko had been interrogated and George Botha committed suicide.

"Dead sure," replied Mr Nobhadula, "I felt very nervous and asked myself what they wanted."

He was then interrogated by a man with spectacles. Mr Nobhadula said the man asked him what he had seen at the show. He said the interrogator warned him to tell the truth and said, "You know Section Six. We'll send you to the Karoo for six months and extend the period as long as we wish".

'Got at'

Mr Nobhadula said the man also told him he would lose his job.

Mr Nobhadula said he left the cinema after a while because he had felt hot. He said he never heard any of the three speak of burning homes, killing informers, continuing the riots or that any black power salutes had been made.

He said he made the statement because he had been scared of losing his job.

At the end of the State case, Dr Cooper applied for the discharge of the three men.

After a short adjournment, the magistrate, Mr J. B. Robinson, found all three men not guilty. He said that almost all the State witnesses had been discredited and the court

was left with a strong impression that they had "been got at".

Mr Robinson said there were strong suspicions that one or all the men had addressed the meeting on which the charges were based. The State had, however, failed to prove that they had incited violence.

Dr Cooper was instructed by Mr H. Fischat and associates.

Mali trial judgment on December 21

HERALD REPORTER

JUDGMENT in the trial of a self-confessed Black Consciousness disciple and teacher in Uitenhage, who appeared yesterday in a Port Elizabeth Regional Court on charges of incitement to commit public violence, alternatively convening or encouraging attendance of an illegal gathering, will be given on December 21.

Mr. Henry Ndyabo Mali, 25, pleaded not guilty to both charges.

The State alleged that Mr Mali encouraged pupils in Uitenhage, to dress in black and mourn those who were killed in Soweto and Port Elizabeth during the riots, to write slogans, be involved in demonstrations, promote racial hatred between blacks and whites and to use petrol bombs. He was alleged to have committed the crimes in Uitenhage between January and June.

Petrol bomb

Earlier, State witnesses, who may not be identified because of their ages, had told the court that Mr Mali called a meeting in Gqogqobo Secondary School on June 14 where he addressed pupils about mourning for those killed in the riots by police.

Another State witness

alleged that Mr Mali said he would give them a formula for a petrol bomb. He also gave them slogans to write on the blackboard, and told them to hate whites.

Mr Mali denied all the allegations. He said he and some of the State witnesses were confessed disciples of Black Consciousness, which he explained to the court.

Mr J. N. M. Poswa, for Mr Mali, in his four and a half hours long argument yesterday, asked the court to find Mr Mali not guilty on all the charges.

At an earlier hearing, the prosecutor, Mr C. C. Klackers, said the court should accept the State evidence, although it had minor discrepancies.

Mr Mali, who completed his teachers' course in 1969 at Healdtown and Lovedale colleges, was arrested on June 15. He was remanded in custody.

Mr Poswa was instructed by Kondile and Somyalo.

Mr B. P. Loots was on the Bench.

Teacher is jailed for incitement

HERALD REPORTER

A PORT Elizabeth Regional Magistrate yesterday told a Uitenhage teacher whom he jailed for five years, that he had poisoned the minds of his pupils at a time when South Africa was at the crossroads and all race groups should be striving towards mutual respect.

Regional Court cleared

HERALD REPORTER

A PORT Elizabeth Regional Court was yesterday cleared of the Press, spectators and even the Security Police when four men and a youth appeared on a charge of incitement to commit public violence.

They were Mr Mbuzeli Ngan, 32; Mr Samson Zolisa Mlahleki, 25; Mr Bawunathi Ngabase, 18; a 15-year-old youth and Mr Zamuxolo Xatase, 19, against whom the charge was withdrawn.

The other four pleaded not guilty.

The public gallery was cleared and the Press was ordered out of court by the magistrate after a request by the prosecutor, Mr C. C. Klackers.

Alleged statements by the four were put before the court and were contested by Mr R. D. McDougall for defence.

A Mr Crause, a prosecutor, and Security Police in the court were also asked to leave by Mr McDougall who said that there were allegations against Mr Crause and the Security Police.

According to the indictment the accused threatened or suggested the use of violence, or threatened or suggested malicious injury to property of the residents of New Brighton in order to compel them to absent themselves from employment on October 22.

The trial continues today.

Mr J. A. Coetzee was on the Bench. Mr McDougall was instructed by Mr D. Tshiki for defence.

Henry Ndyabo Mali, the teacher, was found guilty of incitement to commit public violence.

He had pleaded not guilty and to the alternative charge of encouraging or convening attendance of an illegal gathering.

The court found that in June in Uitenhage, he encouraged pupils to dress in black and mourn for those who were killed in Soweto and Port Elizabeth during the riots, to write slogans, be involved in demonstrations, promote racial hatred between blacks and whites, and to use petrol bombs.

Arrogant

The magistrate, Mr B. P. Loots, said the State witnesses gave satisfactory evidence and Mali acted in an arrogant manner and was full of self confidence while giving evidence and under cross examination.

Mr Loots said that there were many people in South Africa who were struggling non-violently for peaceful co-existence of both blacks and whites. Arson and violence had become a daily feature for blacks in the locations.

He said Mali had carefully selected the pupils he was dealing with because of their background. He influenced them to influence the others.

He said Mali's intention was to influence all pupils of Gqogqabo Secondary School and Limekhaya School.

Respect

"You poisoned their minds," said Mr Loots.

He said Mali committed the crimes at a time when South Africa was at the crossroads and all race groups should be striving towards mutual respect.

He said Mali's talks about petrol bombs, which were extremely danger-

ous, could result in escalation of public violence and malicious injury to property.

Mr Loots said: "You knew that in demonstrations many youngsters would be shot or killed."

Earlier, a State witness told the court, that Mali called a meeting at Gqogqabo School on June 14 when he addressed pupils about mourning for those who were killed during the riots.

Riots

Another State witness, who may also not be named because of his age, told the court that Mali said he would give them a formula of a petrol bomb, told them to hate whites, and gave them slogans to write on the blackboards.

Mali denied the charges against him. He said he told the pupils to hold peaceful demonstrations in commemoration of those who were killed during the riots.

He admitted that he and some of the State witnesses were disciples of black consciousness.

Mr C. C. Klackers appeared for the State. Mr J. N. M. Poswa (instructed by Kondile and Somyalo) appeared for Mali.

Police fire on township looter

HERALD REPORTER
POLICE wounded four men yesterday when they opened fire after rioters tore down the gates of the Mendi Road bottle store in New Brighton, Port Elizabeth, and tried to loot the building. One of the men died later.

Brig P. J. Hugo, Divisional Commissioner of Police, said last night that sporadic stoning incidents occurred throughout the

day and last night, but no other incidents were reported to him.

The stonings were mainly in the Mendi Road area where bus services were withdrawn. Police were on full alert.

Herald inquiries in the township revealed that gangs, many under the influence of liquor, went around yesterday terrorising shebeen keepers and seizing their liquor.

In the wake of the boycott of schools in the townships, groups of youths have been going around telling shebeen keepers to get rid of their liquor supplies by tonight.

The Chief Director of the Cape Midlands Bantu Affairs Administration Board, Mr Louis Koch, said a gang of hooligans used a truck which was backed into the gates of Mendi Road bottle store.

Some liquor was looted before the police arrived.

Last night a member of the Students' Representative Council, who declined to be named, called on people to stop stoning buses, burning cars and looting bottle stores.

He said that it was the policy of the SRC to obtain proper education for the blacks by non-violent means — boycotting schools.

He said that stoning buses and stores were hurt SRC's cause. He said all shebeens in the township to close "stock fairs" (where women) to stop.

He said that from these "stock fairs" the hooligans member said the shebeens had been closed tonight to close.

Stoning: man jailed

HERALD REPORTER

WELCOME Gaya, 18, was jailed yesterday for 30 months by a Port Elizabeth regional magistrate for stoning a police vehicle in New Brighton in October.

Gaya, who had been in custody awaiting trial for nearly two months since his arrest on October 13, pleaded not guilty before Mr P. P. J. van der Merwe at a special court in Algoa Park.

Mr Van der Merwe said he accepted the evidence of Lt. L. Wilken, who said that Gaya threw stones at a police vehicle near the Avenue A bottle store in New Brighton on October 13.

Lieutenant Wilken said he chased Gaya, who was among a group of 20 people, and arrested him.

The court rejected Gaya's evidence that he was arrested while walking near the bottle store on his way home from work.

Gaya admitted a previous conviction for assault with a knife in 1973.

Mr R. Lombard appeared for the State and Mr C. M. Somyalo for Gaya.

Intimidation— youths guilty

HERALD REPORTER

DURING a work boycott in New Brighton, Port Elizabeth, in October, two youths approached a bus driver and told him that if he did not stop working, he would face serious consequences, the Regional Court was told yesterday.

The youths, aged 16 and 17, were each sentenced to six cuts by Mr P. J. Botha in terms of Section 10 of Act 17 of 1956 for intimidating a person in the course of his duty. They pleaded guilty.

Passing sentence, Mr Botha told the youths their offence was serious, one which carried a maximum prescribed sentence of a R1 000 fine or five years' imprisonment.

However, because of mitigating factors outlined by their attorneys, he would treat them leniently, Mr Botha said.

They were both young and had spent a considerable period in custody awaiting trial. They had no previous convictions and the fact that they pleaded guilty indicated a certain amount of remorse on their part, the magistrate said.

Another important mitigating factor was that their offence did not involve violence.

Mr S. Schnetler (for the State) said the youths were arrested in New Brighton on October 24 after they intimidated a bus driver, Mr Welcome Tshaba.

Mr Schnetler said that certain people had called for a work boycott in the township on that day.

The youths approached Mr Tshaba and said: "Why are you working? Haven't you heard that you must not work today? If you don't stop work immediately, you will have to face serious consequences."

Mr J. Jackson and Mr H. Fischat appeared for the youths.

SIX WOUNDED after funerals in PE

HESHU FUNERAL

By KEITH RANDLE

AT LEAST six people were wounded — one seriously — when police opened fire on alleged stone-throwers after four funerals in the Port Elizabeth townships during the weekend. A number of people were arrested.

The Divisional Commissioner of Police, Brigadier J. C. de Klerk, said yesterday that police vehicles on patrol at the funerals — two on Saturday and two yesterday — had come under heavy stoning after all four funerals.

He said two people were wounded yesterday when police fired on stone-throwers returning from the funeral of Mr Mthuthuzeli Mayitshe, 20, and Andrew Mongezi Khomo, 16.

One of those wounded was walking and the other was travelling in the back of an open van. One of the men was believed to have been seriously wounded, Brigadier De Klerk said.

A large contingent of police had been on standby at the funerals in case of serious unrest.

Apart from stone-throwing yesterday, a group of people clambered on to a bus roof. Police had made a number of arrests in connection with the incidents.

Helicopter

Brigadier De Klerk said that on Saturday four people were wounded by police fire and a number were arrested as buses and police vehicles were stoned during and after the other two funerals — those of Mr Mthuthuzeli Heshu and Mr Michael Diliza Ncaphayi, 27.

A number of people were arrested. Police had used a helicopter to watch the situation in the townships both yesterday and Saturday.

Brigadier De Klerk denied that police had fired on people merely walking to the graveside from Mr Heshu's house, where the service was held.

"It would be terrible if police opened fire on innocent people. They only fired on stone-throwers," he said.

By late yesterday afternoon the situation was quiet and most of the police had been withdrawn from the townships, he said.

Brigadier De Klerk said he was not expecting any further trouble.

Footnote: All four people buried during the weekend are believed to have been shot by police during sporadic unrest in the townships in the past two weeks.

Police fire at procession

By NIMROD XAYIMPI
ANTI-RIOT police fired at a procession of people setting out for a funeral service in New Brighton, Port Elizabeth, to the cemetery in Zwide on Saturday.

The funeral service for Mr Mthuthuzeli Heshu was held outside his house in Madala Street about 1pm. It was attended by hundreds of mourners. Mr Heshu died after being shot last week.

During the funeral service, fists were raised and a Black Power salute given by mourners. "Freedom songs" were sung.

After the service at the

THIS is an account of one of the first of the funerals in the townships given by a Herald reporter.

home, a procession of cars, a bus and people walking set out for the cemetery in Zwide on the other side of the townships. People sang and raised their fists while walking. I saw no stone throwing. Neighbouring streets were packed with people.

Only mourners in cars and the bus reached the cemetery. Those who had set out on foot were dispersed by police shots. They ran to the nearest houses, in Aggrey Road and Madala Street.

As I was among them I jumped over a fence and ran to the nearest house in Madala Street for safety. Many mourners followed me and quickly packed all the rooms.

The frightened owner of the house locked all the doors and told us to keep silent.

While we were in the house the police fired many shots.

When the shots stopped, I caught a taxi and tried to go to the cemetery to report the burial service but I was too late. On my way I met the mourners who were coming back from the cemetery.

Their bus was stopped near Mr A. T. Yeko's shop by police.

A helicopter was flying low near the bus. After a period the police allowed the bus to move.

People in the houses in Aggrey Road and Madala Street told me that they lay on their stomachs on floors to avoid being shot accidentally.

Those who were injured during the shooting were taken to the Livingstone Hospital in police vans.

Protest pupils sentenced

HERALD REPORTER
SENTENCE was passed in the Grahamstown Magistrate's Court yesterday on 97 of the 104 African high school pupils arrested during a protest march in Fingo Village, Grahamstown, last Wednesday.

The 97, who all pleaded guilty, were convicted of charges under the Riotous Assemblies Act.

Mr MacGlory Soso Spekman, 19, who was charged with the 104, yesterday pleaded not guilty. His trial will continue today.

Last week charges were withdrawn against four pupils who pleaded not guilty.

Yesterday 65 men and

32 women pupils were sentenced.

Seven youths of 15 were sentenced to two cuts each and 19 youths of 16 were sentenced to three cuts each. Thirty-six youths over 16 were sentenced to five cuts each.

Two men older than 21 were fined R40 (or 80 days) and three were fined R15 (or 30 days).

Sentence was postponed for three years on eight girls under 16 and 24 girls of 16 and over were fined R15 (or 30 days).

Mr A. S. Fritz was on the Bench and F. J. Fischer appeared for the State. Mr T. M. Mullins, S.C., appeared for the pupils.

Painful

Mr Niewoudt told him that the police had taped the proceedings at the concert but he wanted to hear them from him (Mr Kibi).

"When I said I didn't know what was said, he (Mr Niewoudt) hit me across the back with the sjambok many times. It was very painful," Mr Kibi said.

Mr Kibi said he knew Mr Niewoudt wanted him to say that all three accused had made inflammatory speeches at the concert.

He said that at one stage of the interrogation, a Mr Fouche put him against a wall and threw darts at him. None hit him, Mr Kibi said.

He was then taken to the New Brighton police station where the questioning continued.

Hosepipe

"When I told Mr Niewoudt that I saw a person on the stage but couldn't recall what he said, he hit me across the face and back with a piece of hosepipe. He said if I didn't tell him the truth, he might even kill me," Mr Kibi said.

Mr Kibi said he finally made a statement to the police about 10 days after his arrest when he was told he had a "last chance".

He said he was told that if he did not take his "last chance", he would be detained under Section 6 of the Terrorism Act.

He said that while making the statement, a Mr Nel, who was present, told him to say what he could remember and that he (Mr Nel) would add the rest.

The trial continues today.

Mr J. B. Robinson was on the Bench and Mr P. Crous appeared for the State. Dr Cooper was instructed by Mr H. Fishat and Associates.

Court hears of teacher's plans

HERALD REPORTER

A Uitenhage teacher, Mr Henry Mdyebo, Mali, 25, yesterday told a Port Elizabeth Regional Court that pupils accepted without question proposals he made about a commemorative service for pupils who had died during riots.

Under cross-examination by the prosecutor, Mr Mali, said he was arrested on June 15, after it was accepted by the pupils that the mourning period should be between June 16 and 21.

The State alleged that Mr Mali encouraged pupils in Uitenhage to dress in black and mourn those who were killed in Soweto and Port Elizabeth during the riots, to write slogans and to be involved in demonstrations, that he promoted racial hatred between blacks and whites, and the use of petrol bombs.

Mr Mali pleaded not guilty of incitement to commit public violence, alternatively, convening or encouraging attendance of an illegal gathering.

He was alleged to have committed the crimes in Kwa Nobuhle and Langa townships, in Uitenhage, between January and June.

Meeting

Earlier evidence was that Mr Mali called a meeting in Gqoqgabo Secondary School on June 14 where he addressed pupils about mourning for those who were killed in the riots in Soweto and Port Elizabeth last year.

It was also said, by State witnesses who may not be identified because of their age, that Mr Mali would give them a formula for a petrol bomb. The State witnesses said Mr Mali said they should hold prayers in other schools while demonstrating in sympathy for those who were killed by the police.

One of the youths, in giving evidence for the State said Mr Mali told them to hate the whites because of the way the whites treated the blacks, and also gave them slogans to write on the blackboards.

In evidence, Mr Mali and some of

the State witnesses were disciples of black consciousness. He also defined the interpretation of black consciousness.

Under cross-examination by the prosecutor, Mr Mali said that in the meeting he proposed that the pupils sing hymns they were going to sing in prayer meetings at the other schools during their march. He denied proposing the freedom song, "Senzeni na?" (What have we done?).

He said he also proposed that the other schools should be consulted, so that the others should not think they were the only ones who were involved. He proposed the wearing of black clothes or belt, as a sign of mourning.

Prayers

Mr Mali said he proposed that a minister of religion should be called to conduct the prayers.

He said his proposals were accepted without questions by the student body.

He denied that he ever mentioned slogans like, "Let us align ourselves with the other black students", and "We are a disgrace to the black community".

He said he completed his teacher's course in 1969 at Healdtown and Lovedale Colleges. The hearing was postponed to today. Mr Mali was remanded in custody.

Mr B. P. Loots was on the Bench and Mr C. C. Klackers appeared for the State. Mr J. N. M. Poswa (instructed by Kondile and Somyalo) appeared for Mr Mali.

Witness alleges police brutality

By KEITH RANDLE

ALLEGATIONS of police brutality were made in a Port Elizabeth Regional Court yesterday by a State witness called to give evidence about alleged incitement at a fund-raising concert during the October unrest in the African townships.

The witness, Mr Alcot Kibi, was testifying at the trial of Mr Monde Spier, 28, Mr Vysumzi Mahejana, 21, and Mr Tozamile Botha, 27, who were charged with incitement to public violence at a concert at the Rio Cinema, New Brighton, Port Elizabeth, on October 23.

Mr Kibi said he was a member of the Association For Science and Technology (Afsat) and that Mr Botha was the association's vice-president.

On October 19, he went to a meeting at Mr Botha's house where they decided to hold a concert at the Rio Cinema to raise

funds for legal representation of pupils in custody.

He said that at the concert on October 23, Mr Spier took the microphone, gave a Black Power salute and shouted "Black Power" to the 1 000 people in the audience.

The audience responded by shouting "Power is Ours". Mr Spier then told the people that they should boycott work and that the houses of people helping the police were in danger of being burnt.

He also told the people that they should stop burning shops in the townships and that if they

wanted to burn shops, they should do so in the city.

He said that while Mr Spier was addressing the audience, alleged police informers were taken out of the cinema hall and beaten up.

Attitude

Cross-examined by Dr W. E. Cooper, SC (for the defence), Mr Kibi said that about 3am on October 24, police arrived at his house and dragged him by the scruff of his neck to a vehicle waiting outside.

He said he did not think the police had a sympathetic attitude towards the concert.

He said he was taken to a gymnasium in the Algoa Park police station where he was questioned by a Mr Niewoudt for about one and a half hours.

He said Mr Niewoudt told him: "If I ask you a question, tell me all you know and tell the truth. If you don't, I'll give you a hiding."

Mr Kibi said Mr Niewoudt who had a "ajambok" said that certain people had said things at the concert and he wanted to know who they were and what they said.

Policeman tells of riot shooting

HERALD REPORTER

"I SHOT Mr Kaampton Mafongese with bird shot after he picked up a stone to throw at police, and as he grasped my shoulder and ran away I fired another shot at him," an anti-riot unit policeman told a Port Elizabeth regional magistrate yesterday.

Const P. Coetzee was giving evidence at the trial of Mr Mafongese, 22, who pleaded not guilty of public violence.

Const Coetzee said on October 13 he and five other policemen were guarding a bottle store which had been looted after a bus had been driven through the door.

A group of men began stoning the bottle store. Mr Mafongese stood in front of the group who were making Black Power salutes.

Birdshot

After watching Mr Mafongese for about half an hour, he fired a round of birdshot at him as he was about to throw a stone.

Mr Mafongese then grasped his shoulder and ran. He fired another shot at him.

Shortly after the shooting incident, said Const Coetzee, his eyebrows and hair were singed after one of the mob threw a petrol bomb at the bottle store.

Cross-examined by Mr C. M. Somyalo (for Mr Mafongese), Const Coetzee said he could not remember whether Mr Mafongese had been wearing a jacket although he had watched him for half an hour.

Butchery

Asked by Mr Somyalo why he fired a second shot at Mr Mafongese, Const Coetzee replied "I wanted to arrest a man and he ran away."

Mr Mafongese told the court he was on his way to fetch meat at the butchery when people began

running past him and he noticed a police vehicle travelling towards him.

A shot hit him and he fell and lost consciousness. He was taken to hospital the next morning. He denied having been at the bottle store, having thrown stones or having made Black Power salutes.

Postponed

He was shot about 500 metres away from the bottle store, and was wearing a jacket.

The case was postponed until January 16 for further evidence.

Mr F. Gous appeared for the State. Mr Mafongese was remanded in custody. Mr J. B. Robinson was on the Bench.



WARRANT Officer Johan du Preez with his wife Chrisna.

Policeman dies in shooting

HERALD REPORTER

A MEMBER of the Port Elizabeth Security Police, Warrant Officer Johan du Preez, 32, fatally shot himself with a shotgun while patrolling the African townships on Saturday.

The Divisional Commissioner of Police in Port Elizabeth, Brig Johan de Klerk, said the accident occurred on Saturday afternoon, soon after police had arrested a number of blacks who were trying to incite a crowd of mourners coming from a funeral in the Zwijds township.

The police had been armed with shotguns, but no shots had been fired on patrol, Brig De Klerk said.

He said there had been no riots, but that police were arresting people to prevent riots. Some people were trying to incite the mourners by making signs and shouting slogans.

The widow of WO Du Preez, Mrs Chrisna du Preez, was told by police on Saturday afternoon that her husband had died instantly in a shooting accident. The couple were married for nine years and lived in Sterrenberg Flats in Algoa Park with their only child, a six-year-old boy, Lotie.

The parents of the widow, Mr and Mrs Lotie Boucher of Somerset East, said in an interview that when they arrived at the couple's flat on Saturday afternoon they found a note on the door saying

that their daughter had gone to hospital.

"I knew that there was something wrong and shortly after we arrived, she returned with a police officer, breaking the sad news to us."

Brig De Klerk said WO Du Preez would be buried with military honours, at 2.30pm tomorrow from the Nederduitse Gereformeerde Kerk in Algoa Park.

He said the townships had been quiet since Saturday afternoon, except for an attempt to set fire to a junior school in New Brighton.

Houses burnt down

HERALD REPORTER

TWO houses were burnt down in New Brighton, Port Elizabeth, last night, and bus services in black townships were suspended after a stoning incident in which two buses were burnt out.

The general manager of Bay Passenger Transport Company, Mr C. T. Coetzer, said last night that mobs in Avenue A and Ntshelisa Road, New Brighton, stoned the buses about 6pm. The drivers fled and the mobs then set fire to the buses.

One driver was slightly injured.

The Divisional Commissioner of Police, Brig J. C. de Klerk, confirmed the incident and said two houses were also burnt down.

Mr Coetzer said the buses were "complete wrecks".

"But we recovered the remains and will investigate the matter today when we will have the opportunity to question the drivers."

Services to Walmer location were not suspended.

Violence

The suspension of services to the other townships came hours after they were restored after Monday night's suspension.

The service was restored yesterday morning after sporadic violence in which a man was shot dead and three were arrested.

Violence flared shortly after 1pm on Monday when the bus service was withdrawn, and continued sporadically until about 2.30am yesterday. The buses were withdrawn because of stoning incidents and attempts to set fire to two of them.

Brig De Klerk said earlier yesterday there had been no mob violence. All the incidents were caused by criminal gangs.

"A man was shot on Monday afternoon when he was seen trying to set fire to a truck. He died a short while later."

Two people were arrested in separate incidents when police vehicles were stoned. Another man was arrested when he allegedly tried to steal meal from a truck, Brigadier De Klerk said.

Police wound looter in PE township

HERALD REPORTER

POLICE yesterday wounded another looter in New Brighton, Port Elizabeth, where unrest continued. Trouble also flared in Walmer location where vehicles were stoned.

The bus service into the townships was withdrawn as a precautionary measure and in the afternoon buses ran up to the perimeters of the townships only.

The Divisional Commissioner of Police, Brig P. J. Hugo, said that on Thursday two looters were shot dead and eight were wounded. All the shootings, including yesterday's took place in New Brighton where two bottle stores, one in Avenue C and another in Mendi Road, were broken into. Rioters used a hijacked truck to smash the entrances.

The police opened fire when looters persistently tried to carry away liquor. Sporadic stonings of police vehicles continued during the day. The situation in Walmer location was brought under control fairly quickly, he said.

The chief Director of the Cape Midlands Bantu Affairs Administration Board, Mr Louis Koch, said 12 houses had been set alight since Tuesday night. Two of them were destroyed.

Most of the unrest took

place in the vicinity of the Centenary Hall. The two bottle stores which were broken into had been closed. Considerable damage had been done to the one in Avenue C, he said.

The general manager of Bay Passenger Transport Company, Mr Carl Coetzer, said two buses had been damaged in stoning incidents in Port Elizabeth yesterday. The service into the townships had been withdrawn as a precautionary measure.

In Grahamstown, eight pupils were found guilty under the Riotous Assemblies Act. The magistrate, Mr F. Pretorius, postponed sentence for three years.

In another case, Mr Macglory Soso Spekman, 19, was found not guilty and discharged by Mr A. S. Fritz.

Brig Hugo said there had also been unrest in other parts of the Eastern Cape. At Cookhouse, 20 youths were sentenced to five cuts each on Thursday for attending illegal gatherings. Forty-eight girls were released in the custody of their parents, who gave them each a hiding.

At a farm school near Somerset East a number of pupils who rioted were arrested. At the request of their parents they were not charged. The parents gave each a hiding. In Somerset East, 16 pupils were arrested and were due to appear in court, Brig Hugo said.

TRUCKS, buses in PE burnt

Two houses were fire-bombed and gutted in New Brighton last night and two buses destroyed.

The bus service to New Brighton was running normally this morning in spite of disruption last night when the buses were burnt out and a driver injured.

The general manager of Bay Passenger Transport Company, Mr C. T. Coetzer, said the replacement cost of each bus was R70 000.

Another driver was injured when an unidentified object was thrown through the window of his bus. He was badly cut about the face and neck, but has been discharged from Livingstone Hospital.

After burning the first bus, near the Centenary Community Centre, in Ntshakisa Road, about 6.15pm, a crowd of youths moved to Norongo Street where the home of Mr Oshler Njumbuxa was set alight.

Furniture

All the contents of the house were destroyed by fire but no one was reported hurt.

The youths then set fire to the house belonging to Mr Johnny Mgwevana, a kilometre away in San-gotsha Street. None of the furniture, including a television set, could be saved.

In another part of New Brighton, in Avenue A, another bus was set alight. It is believed passengers were told to leave the bus before it was bombed.

Five buses were also stoned.

A storeroom of a service station belonging to a businessman, Mr Dan Qege, was also damaged by fire.

Mr Qege is a sports administrator and a former member of the Bantu Affairs Advisory Board.

Police in anti-riot gear patrolled the area in trucks and an armoured van was brought to the scene.

Renewed violence erupted in the Port Elizabeth black townships on Monday night after several days of comparative calm during which the only serious incidents were fires started at schools last Thursday and Friday nights.

COULD TOWN OF blast damage

HERALD REPORTER

A WITNESS yesterday told a Port Elizabeth Regional Court that damage of R300 was caused to his home by two petrol bombs, after he bought a lounge suite in defiance of a pamphlet calling on township residents not to buy from Port Elizabeth shops.

Mr Gladstone Mbha was giving evidence at the trial of Mr Michael Peter, 26, who pleaded not guilty of arson.

Mr Mbha told the court Mr Peter was a friend of his and that some time ago they had discussed a pamphlet which said people should not buy from shops in Port Elizabeth.

Mr Mbha said he later bought a lounge suite from a shop in Port Elizabeth. When Mr Peter saw it at his home, he asked Mr Mbha why he had bought it.

Phone call

A couple of days later Mr Mbha said his wife told him that Mr Peter had taken a photograph of the lounge suite. On November 4 Mr Mbha said he got a telephone call in which the caller said, "wait, we are coming to burn your house".

Mr Mbha said he recognised the voice of Mr Peter as the caller. The next night, he received a similar call but could not recognise the voice of the caller. Soon afterwards two petrol bombs were thrown at his home. Damage was R300.

Informer

Mr Edwin Marobo told the court he was at Mr Peter's home when Mr Peter told him and others of plans to burn Mr Mbha's home because he was an informer. Later

that night 10 people went to Mr Mbha's home.

He ran away after Mr Peter threw a petrol bomb at Mr Mbha's home.

Mr Peter denied that he had thrown petrol bombs at Mr Mbha's home, or photographed the lounge suite or discussed a pamphlet with Mr Mbha. He said both Mr Mbha and Mr Manobo had lied to the court.

He said he had not seen Mr Mbha since August 17. The case was postponed until today.

Mr P. J. Botha was on the Bench and Mr C. C. Klackers and Mr R. Lombard appeared for the State. Mr Peter was not represented.

Townships shooting confirmed

HERALD REPORTER

THE Divisional Commissioner of Police, Brig J. C. de Klerk, yesterday confirmed that a New Brighton man, Mr Mthuzeli Heshu, 28, died after being shot by anti-riot police in the township early on Wednesday morning.

Mr Heshu, former manager of a New Brighton beat group, the Black Slaves, was reported to have been shot while walking past a school which was being guarded by anti riot police, in Nguha Street.

He was accompanied by a school teacher, Miss L. Ndzimase, at the time.

Brig De Klerk said he did not know the full particulars of the incident but police were investigating.

4 killed in PE rioting

Continued from Page 1.

of a farm school in the Somerset East district and the police were called.

Shortly after the police reached the farm, which is owned by a white man, the parents of the children also arrived at the school.

The parents appealed to the police to allow them to discipline their own children.

The parents gave their children a good hiding and the police left without taking any further action.

School classes then continued normally.

Brig Hugo said there had been another instance of parents disciplining their children in Cookhouse.

He said 20 boys and 18 girls appeared in a court in the village, charged with attending an illegal gathering yesterday.

The court sentenced the boys to five cuts each.

"The parents of the girls, apparently did not see why the girls should not also be punished, so they gave them a good hiding outside the court," he said.

Man threatened to burn shop

HERALD REPORTER

A MAN who threatened to burn down a shop unless the owner closed it during the funeral of Mr Steve Biko, was convicted by a Port Elizabeth magistrate yesterday of intimidation.

Christopher Mncedi Hakula, 32, admitted he told Mr David Mhabane that he would burn down his Kwazakele shop unless he closed it on September 22.

The prosecutor, Mr C. C. Klackers, told the court there was agitation in the township during the funeral in King William's Town that afternoon of Mr Steve Biko, honorary

president of the Black People's Convention.

After making the threat Hakula left the shop and said he would return later to see if it was closed. On his return, Hakula was arrested by the police.

The case was postponed until today to allow Hakula to call witnesses in mitigation.

Mr B. P. Loots was on the Bench. Mr C. M. Somyalo appeared for Hakula.

Court told of rioting in black townships

HERALD REPORTER

JAIL terms ranging from 12 to 57 months, or cuts, were yesterday imposed on six men and a youth who were convicted of public violence by a Regional Magistrate in seven trials arising from the unrest in Uitenhage's townships during June.

The men and the youth all pleaded guilty in a special court at the Algoa Park police station.

Donald Galata, 20, was jailed for 57 months on eight counts of public violence. He admitted stoning, looting and burning five houses, a soup kitchen, Cape Midlands Bantu Affairs Administration Board, offices, and a shop. One of the homes belonged to Mr Guston Majombozi, chairman of the Uitenhage Urban Bantu Council.

In another case Kululukile Ruben Zinto, 21, was jailed for three years after he admitted stoning and setting fire to the homes of Det - Sgt Wilmot Fatman and Mr Daniel Ndzengu in Kwa Nobuhle on June 16.

In a further case, Edward Sitembiso Qukubana, 21, was jailed for a year after he admitted being part of a mob which stoned BAAB offices. The court was told he was playing soccer when a mob of youths ran past the field and he decided to join them.

Nelson Momo, 21, pleaded for mercy, when he was jailed for 18 months for stoning and setting fire to BAAB offices. The court was told that Momo played an active role in starting the fire.

In another case, Nase

Jantjies, 21, was jailed for 27 months after he admitted stoning, looting and setting fire to BAAB offices, a shop and the home of Mr D. Ndzengu, in Kwa Nobuhle, on June 16.

In a further case Koli-sile Kona, 19, was jailed for three years after he admitted stoning, looting and burning BAAB offices, a single men's hostel, a shop and Mr G. Majombozi's home.

In another case, a youth, aged 16, was sentenced to six cuts with a light cane after he admitted being part of a mob which stoned, looted and burnt a bottle store in Langa on June 16.

Mr B. P. Loots was on the Bench and Mr C. C. Klackers appeared for the State in all the cases. None of the men or the youth was represented.

Man convicted of intimidation

HERALD REPORTER

"A PROBLEM arises when people connect their political feelings to violence," a Port Elizabeth Regional Magistrate told a man whom he convicted of intimidation during the funeral of Mr Steve Biko.

The magistrate, Mr B. P. Loots, made the remark while sentencing Christopher Mncedi Hakula, 32, to 18 months' imprisonment, half suspended for three years, for intimidation.

At an earlier hearing, Hakula admitted that he told Mr David Mbasane that he would burn down

his Kwazakele shop unless he closed it on September 22.

The prosecutor, Mr C. C. Klackers, told the court there was agitation in the township during the burial, in King William's Town, of Mr Steve Biko, honorary president of the Black People's Convention.

Mr C. M. Somyalo, for Hakula, called two policemen to give evidence in mitigation. Both the policemen told the court they were friends of Mr Hakula. They said they knew him as a jovial man whom, as far as they knew, had no political inclinations.

The policemen said Hakula often visited the Kwazakele police station and, as far as they were concerned, his threat had been completely out of character.

In cross-examination, Mr Klackers asked the men whether they knew that the infamous "Pangaman" worked at police headquarters in Pretoria. He also put it to them that prominent South African people had proved to be communists.

Mr C. M. Somyalo told the court Hakula was arrested when he returned to the shop to apologise to

the owner for his actions.

In passing sentence, Mr Loots said it was clear that Hakula had ordered the shop to be closed so that respect could be shown for Mr Biko. He said he could not believe that this had been an empty threat to burn the shop.

Mr Loots said there was nothing wrong with a person being politically activated. He said the problem arose when people connected their political feelings to violence. He said it upset him greatly that innocent people might be subjected to threats of this nature.

Schools boycotted after arrests

By JULIAN SWANEPOEL

PUPILS yesterday boycotted schools in the African townships of Port Elizabeth, Grahamstown and Kwa Nobuhle. Uitenhage. In Port Elizabeth the bus service was diverted from Mendi Road, New Brighton, where gangs stoned vehicles.

Yesterday's sporadic unrest followed the arrest of more than 470 pupils in Port Elizabeth on Tuesday night when the houses of two brothers were set alight and the cars of two prominent residents damaged by youths.

It is believed that further arrests took place yesterday in Port Elizabeth, Uitenhage and Grahamstown, but the Divisional Commissioner of Police, Brig P. J. Hugo, said he had not yet received reports.

Normal

He said if any arrests had been made he would be told of them today. He confirmed that there had been incidents in Uitenhage.

Inquiries revealed that school attendance in Kabah, Uitenhage was normal. In Kwa Nobuhle attendance ceased after a number of meetings of pupils. At some schools no pupils turned up for classes.

In Port Elizabeth, pupils who arrived at schools left shortly afterwards and there was no school attendance. The same applied to Grahamstown, where there was a complete boycott of eight of the nine schools. Shortly after assembly pupils left the remaining school.

On Tuesday night youths set fire to the house of Mr Masiza Duru of Ntshinga Street, New Brighton, after first

stoning it. Damage was estimated at R1 800. Fifteen minutes earlier his brother, Mr Welcome Duru, of Mendi Road, arrived home to find his house on fire. It was gutted and the damage estimated at R2 000.

Mr Pat Cossie, principal of Newell High School, was stoned by a group of youths. He escaped without serious injury, but his

car was set alight and destroyed.

Mr A. S. Mpondo, principal of Molefe Higher Primary School, was also attacked. His home and car was stoned.

Yesterday afternoon youths started gathering in Mendi Road and passing vehicles were stoned. It is believed that the driver of one vehicle was injured.

Armed police patrol buses

By CAS DU PLESSIS
ARMED police again patrolled buses travelling into Port Elizabeth African townships last night after incidents on Wednesday night when a man was shot dead and several were wounded by police.

The Divisional Inspector of Police in Port Elizabeth, Brig Paul Roelofse, said armed police had manned some buses running into the townships from Tuesday night in an effort to stamp out rioting. After the bus services into the townships had been suspended by the bus company about noon on Wednesday, some buses manned by police were sent in as an experiment.

Shots fired

These policemen had to open fire on several occasions on mobs attacking the buses.

The police were not sure about the number of wounded because rioters helped to carry away those shot.

About 5.45pm a bus with five policemen was stoned and shots were fired. One of the rioters was killed and others may have been wounded.

Later, a group of people outside the Centenary Hall stoned a bus. Shots were fired and at least two people were wounded and carried away by their companions.

In another stoning incident in New Brighton a shot was fired and a man was wounded.

At 10pm one of a group of policemen patrolling was hit on the knee by a stone. Shots were fired but the police are not sure if anybody was wounded.

After that it was quiet. The only incident in the townships yesterday came when a group of blacks cut the tyres of a private vehicle.

Brigadier Roelofse said no arrests in connection with rioting were made in Port Elizabeth yesterday.

The general manager of Bay Passenger Transport Company, Mr C. T. Coetzer, said all the usual bus services into the townships were restored yesterday morning and no stoning incidents occurred during the day. He said the buses were avoiding Mendi Road and Avenue A in New Brighton because these had always been trouble spots.

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