

MINUTES OF MEETING HELD AT  
THE SECURITY POLICE HEADQUARTERS  
7 JULY 1988, 12.00PM TO 13.00PM

PRESENT: CHIPPIE OLVER  
MICHAEL EVANS  
DETECTIVE W/O VAN DEN HEEVER  
DETECTIVE SERGEANT COETZEE

1. We were hosted by van den Heever, while Coetzee was present throughout the consultation. In addition W/O Steenkamp was present in the same room but did not participate in the meeting.
2. Van den Heever informed Chippie that he was investigating a breach of the 1987 Emergency Regulation No. 5 (b) with regard to the "Out of Step" publication (OOS) Volume 1 No. 4. He showed us a copy of the publication in which various portions were underlined, obviously relating to the aspects of the publication which they considered breached the Emergency Regulations. We were able to mark on Chippies copy of the publication some of the portions which they had underlined.
3. Van den Heever took down certain personal particulars from Chippie, and then warned him that anything he said could be used against him in evidence. He asked Chippie whether he wished to make a statement, to which Chippie replied in the negative. He then put the following questions to Chippie.

**QUESTION:** Are you a member of ECC, if so since when and in what capacity?

**ANSWER:** I have been a member for some time, and I have been Chairman of the Western Cape branch since the AGM in November 1987.

**Q:** Have you had any involvement in the publication "Out of Step"?

**A:** I find it difficult to answer, but I have had no direct involvement.

**Q:** Is the executive of ECC responsible for its production?

**A:** The executive has never produced OOS.

**Q:** What is the aim of ECC through the publication OOS?

**A:** Up till this year, ECC did not have a formal membership but an informal membership. OOS was designed to keep them up to date.

**Q:** Is it sent to the public?

**A:** OOS has never been widely distributed. It is largely distributed through mailing lists and through front organisations.

**Q:** You spoke about informal membership then. What is the situation now?

**A:** We now have signed up members of ECC.

Q: Does OOS go to all members of ECC?

A: Yes.

Q: Is it distributed to the public?

A: No, but let me qualify. It is handed out at public meetings where the public attends.

Q: Who is the editor?

A: There has never been an editor.

Q: Who is then in charge?

A: It is produced by a collective within ECC.

Q: Is there therefore a committee in charge?

A: Yes.

Q: Does ECC have a media committee, and if so who are the members and are they responsible?

A: ECC no longer has a media committee - they have disbanded.

Q: Did you read the November 1987 issue of OOS?

A: Yes.

Q: Was the committee in charge of the production of that issue?

A: Yes.

Q: Who are the members of the committee?

A: I am not in a position to give that information.

Q: Who can give that information?

A: Its difficult to say, let me clarify. I was elected to position of Chairman in November at our AGM on 19 November 1987. By that stage OOS had produced five issues. It is reflected in the minutes of the AGM that the five issues were produced before the AGM. The last issue which was produced is the one you are referring to, ie. Volume 1. No. 4, which was produced before I took over as Chairman. I am not in a position to talk about information prior to my becoming Chairman of ECC.

Q: Did the members of the committee change after the AGM?

A: November 1987 was the last issue of OOS. It then ceased production. I never dealt with the committee.

Q: Will there never be another issue?

A: Its not impossible that there will another issue. At one stage there was talk about it, but that has now been stopped.

Q: Were you one of the members of the committee?

A: No.

4. Van den Heever then left to write out the answers to the questions which Chippie had given. Sgt. Coetzee then informed Chippie that he was also investigating a case under the 1987 Emergency Regulation No. 5 (b). This related to the ECC newsletter, "Tales Grimm" of Autumn 1988. He also handed us a copy of the newsletter which had underlined in it a paragraph on page 3 which read "It is us, our friends and family who are conscripted into Angola to do Pretoria's dirty work - maybe even to die".
  
5. I informed Sgt. Coetzee that we acted as legal representatives of both the Cape Town and UCT branches of ECC. The two branches were entirely distinct from each other. If he read the first paragraph of the publication it was clear that it was not produced by the Cape Town branch of ECC. I suggested to him that he follow the same procedure as Sgt. van den Heever followed by contacting Justin Hardcastle with regard to any investigation of "Tales Grimm". It was quite clear the Sgt. Coetzee was not aware of the distinction between Town ECC and UCT ECC. He nevertheless put the following questions to Chippie, after explaining to him his rights and establishing from Chippie that he did not wish to make a statement.

**QUESTION:** Are you a member of ECC and if so what position do you hold?

**ANSWER:** I have been Chairman of the Cape Town branch since the AGM in November 1987.

**Q:** What is your involvement with this ECC newsletter?

A: I have had no involvement and I have no knowledge of who produces it.

Q: What are the aims and objects of ECC in distributing this newsletter?

A: I have no idea.

Q: Who is the editor?

A: No idea.

Q: Does ECC print this newsletter and if not who prints it?

A: No idea.

6. Coetzee then asked Chippie whether he wished to sign the fact that he did not wish to make a statement, and Chippie replied in the negative. Van den Heever then returned and asked the following questions:

QUESTION: What are your viewpoints on compulsory military service in South Africa?

ANSWER: That is not relevant to the case being investigated.

Q: Who was Chairman of ECC before you, and is she/he still involved?

A: You probably know the answer, it is Ms Paula Hathorn.

Q: Is she still involved?

A: Not in the Cape Town branch of ECC.

Q: Where is she involved?

A: I am not able to answer that question.

7. Van den Heever then asked Chippie whether he wished to sign the statement, to which Chippie replied in the negative.

8. Van den Heever then explained that he did not wish arrest or detain anybody, but wished to investigate this matter in as professional way as possible. He particularly wished Mr Hardcastle to be aware of this. He also made it clear that he would like in future to be able to ask Chippie questions over the phone.

Chippie informed him that ECC was obviously very conscious of the harassment which it has experienced. I informed him that we had clear instructions from our client namely ECC, that any action by any individual required the mandate of the organisation as a whole. It was therefore often a necessarily cumbersome process getting a response from our client.

ooo000ooo

STASIE: ..CAPE TOWN..... M.R. ....  
STATION: ..... C.R. ....

NAAM: ..DAVID ALEXANDER GREEN.....  
NAME: .....

PERSOONSNUMMER ..N/B.....  
IDENTITY NUMBER .....

RAS EN GESLAG: ..W/M..... TAAL: ..ENGLISH..... HUWELIKSTAAT: ..DEVELOED.....  
RACE AND SEX .....

NASIONALITEIT: ..RSA..... ONDERWYSPEIL: ..MEDICAL DOCTOR.....  
NATIONALITY .....

GEBOORTEPLEK: ..BENONI..... GEBOORTEDATUM: ..1963-03-30.....  
PLACE OF BIRTH .....

VERKLAAR IN AFRIKAANS:  
STATES IN ENGLISH :

Ek is n volwasse/minderjarige man/vrou  
I am an adult/minor male/female

woonagtig te ..<sup>top</sup> Huurmanskleef Derry str Uredibek.....  
residing at .....

en werksaam te ..Groette Schuur Hospital. Cape Town.....  
and employed at .....

in die hoedanigheid van ..MEDICAL DOCTOR.....  
in the capacity of .....

Ek is nugter en by my volle verstand.  
I am sober and in my sound senses.

Ek is daarvan verwittig dat ek in die teenwoordigheid van n Vredesbeampte,  
I have been informed that I am in the presence of a Peace Officer,

is, naamlik: ..CAPT NEBENBERG AND DWO VAN DEN HEEVER.....  
namely .....

Ek is meegedeel dat ek daarvan verdink word dat ek : ..CONTRAVENING REGULATION 5(b) OF ..  
I have been advised that I am suspected of .....

THE MEDIA REGULATIONS AS PROMULGATED BY PROCLAMATION NO 797 IN GOVERNMENT  
GAZETTE NO 70773 OF 11 JUNE 1987 - IN THAT ECC PRODUCED A PUBLICATION IN  
WHICH A SUBVERSIVE STATEMENT APPEARS NAMELY THE "OUT OF STEP" VOLUME 1 NR 4  
NOVEMBER 1987 AN ECC PUBLICATION AND THE "OUT OF STEP" VOLUME 1 NR 3  
AUGUST 1987 AN ECC PUBLICATION

Ek is gewaarsku dat ek nie verplig word om enige verklaring in  
I have been warned that I am not obliged to make any statement

antwoord daarop af te lê nie, maar dat dit my vrystaan om vrywilliglik  
in reply thereto, but that I may make a statement voluntarily should .....

n verklaring af te lê uit my eie vrye wil indien ek dit verkies en  
I elect to do so at my own free will, and that such statement will



dat my verklaring neergeskryf sal word en as getuienis gebruik mag  
be taken down in writing and that it may be used in evidence. I

word. Ek is ook verwittig dat sekere vrae aan my gestel gaan word  
have also been notified that certain questions may be put to me

met die doel dat ek deur die beantwoord daarvan punte kan opklaar  
with the purpose of clarifying certain points and by which I

en verduidelik en waardeur ek moontlik my onskuld kan bewys.  
could prove my innocence.

Ek is ook gewaarsku dat ek nie nodig het om enige van die vrae  
I have also been advised that I am not obliged to answer any of

te beantwoord nie, maar dat wat ek sê neergeskryf sal word en as  
these questions, but what I may say will be taken down in writing

getuienis aangevoer mag word.  
and may be used in evidence.

Verstaan jy die bewerings teen jou en die posisie ten opsigte  
Do you understand the allegations against you and the position

van die beantwoording van vrae?  
regarding the answering of the questions? YES

Q. Do you want to make any statement?

A. No.

Q. Are you a member of the ECL since when and  
in what capacity?

A. I am a member of the executive of the ECL  
since Nov 1987 and in the capacity as a press  
officer.

Q. What was your capacity before you are selected  
on the executive of the ECL.

A. I was a member of the schools sub-committee.

Q. Are you a member of the committee that was  
responsible for the publishing of or distributing of the  
Out of Step.

A. No.

Q. Do you know who were responsible for this publication?

A. No. I was involved with the schools and after

I was elected on the executive we were not involved with this publication.

Q As member of the executive, do you know if the committee who are responsible for the publication today do the same committee who were responsible for last years publication

A. I do not want to answer this question under the advice of my lawyer.

CAPE TOWN

I do not want to sign this.

EE-07-13

15/15

Above questions were taken by me.

WITNESS: Philbert



Republic of South Africa

Ministry of Home Affairs  
and of Communications

Hendrik Verwoerd Building  
Private Bag 79102  
Cape Town  
8000  
☎ 021-465818

Ref.

527291

1988-03-21

Messrs Out of Step Publications  
End Conscription Campaign  
1 Rhodes View  
435 Main Road  
OBSERVATORY  
Cape Town  
7925

Dear Sirs

STATE OF EMERGENCY: SUBVERSIVE PROPAGANDA

I wish to inform you that I have examined a series of two issues of your periodical Out of Step under the powers vested in me by regulation 7A(1) of the Regulations published by Proclamation R.97 of 11 June 1987 as amended by Proclamation R.123 of 28 August 1987 and Proclamation R.7 of 15 January 1988. The issues examined by me are the following:

August 1987; and  
November 1987.

Kindly take note of the fact that I am considering action under regulation 7A(1) to wit the issuing of a warning by notice in the Government Gazette in respect of your periodical. A prima facie indication of grounds of the proposed action are set out in the annexure hereto.

Should you wish to submit representations in terms of regulation 7A(4)(b) please note that such representations must be submitted to me in writing within a period of two weeks from the date of receipt hereof.

Yours sincerely

*Staffel Botha*

J C G BOTHA MP

## ANNEXURE

OUT OF STEP

Introductory note: The reports in the issues referred to hereunder are also subject to being considered conjointly by me and with due regard being had to the cumulative effect thereof, in the process of ascertaining that they constitute a systematic or repeated publishing of matter or a systematic or repeated publishing of matter in a way which has or is calculated to have the effect contemplated by paragraph (a) of regulation 7A(1) and whether the said effect such systematic or repeated publishing has or is calculated to have, is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency as contemplated by paragraph (b) of the said regulation.

1. In the August 1987 issue of the periodical Out of Step (OOS) the following matter is calculated to have the effect of stirring up or fomenting feelings of hatred or hostility in members of the public towards a security force or members of a security force (regulation 7A(1)(a)(iv)):
  - (a) In the report under the heading "Hell no, we won't go!" certain statements are made against the SADF which are calculated to have the above-mentioned effect;
  - (b) In the report under heading "Parents support ECC" the allegation that a person is turned "... into a killing machine ..." is calculated to have the above-mentioned effect;
  - (c) The report under the heading "Conscripts seek choices 'Old before their time'" alleges a harmful effect of conscription in such a manner that it is calculated to have the above-mentioned effect;

- (d) The effect mentioned above is also stirred up or fomented by the report under the heading "Namibian war gets dirtier" in so far as this report refers to COIN ("Our Business is Killing and Business is Good ... but its business hasn't changed much");
- (e) Under the heading "Comment" this publication published comment, concerning conscription and the SADF in a way which is calculated to have the above-mentioned effect; and
- (f) Under the heading "'SADF out! say Namibians" certain allegations is published with regard to the SADF's activities in South West Africa which is calculated to have the above-mentioned effect.

2. In the August 1987 issue of this periodical (OOS) the cartoon on page 4 and the relevant comment (p.4) is calculated to have the effect of promoting the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982) to wit the ANC (regulation 7A(1)(a)(v)).

3. In the November 1987 issue of OOS the following matter is calculated to have the effect of stirring up or fomenting feelings of hatred or hostility in members of the public towards a security force or members of a security force (regulation 7A(1)(a)(iv)):

- (a) On the front page under the heading "Lt Toms faces jail for refusing to serve camp" it is inter alia alleged that the SADF destroyed the community and occupy a clinic. These allegations are calculated to have the above-mentioned effect;
- (b) Under the headings on p.2 "MNR: a trail of terror" and "Zimbabwe's Agony" matter is published which is calculated to have the above-mentioned effect. In these reports it is, inter alia, stated that the SADF is, often, directly involved in the destabilization of, and supports massacre and mutilation in neighbouring countries;

- (c) The "Comment" on page 4 of this issue, inter alia the words "SADF service is better called Nationalist" serves as a further example of the systematic or repeated publication of matter, which is calculated to have the above-mentioned effect;
- (d) The report under the heading "Angolan war: No end in sight" on pages 4 and 5 is calculated to have the above-mentioned effect in so far as it alleges that the "... MNR is a group of rebels set up and organised first by the Rhodesian security forces ... and later by the SADF".
- (e) In the report under the heading "Optimism for new direction: ECC's Nic Borain speaks out" on page 6, this periodical continues its systematic or repeated publishing of matter which is calculated to have the above-mentioned effect in that it publishes allegations that the SADF is used "... to crash internal dissent ..." and is "... a tool for a political party ..."

021 217207

APR 15 '88 13:58

MALLINICKS

081 P02/08

COPY

**MALLINICK, RESS, RICHMAN & CLOSENBERG INC.**

REG NO. BA/08670/14  
ATTORNEYS, NOTARIES & CONVEYANCERS

SIXTH FLOOR, 2 LONG STREET  
HANS STRIJDOM AVENUE  
CAPE TOWN  
8001

TELEPHONE:  
41-94411/21-7200  
NATIONAL CODE: 021  
INTERNATIONAL CODE: 2721  
TELEGRAMS: "THEMIS"  
TELETEX: 550070 MRR & C  
FACSIMILE: 217207  
DOCEX: 34 CAPE TOWN  
P.O. BOX 3667, CAPE TOWN  
8000

DIRECTORS

GERALD MALLINICK  
MICHAEL JOSEPH RICHMAN  
JEFFREY CLOSENBERG  
JOHN ADRIAN LEVIN  
ARNOLD SIMON RUCH  
HILTON GISCHEN  
MICHAEL RADOMSKY  
PIERRE ANDRÉ DU PREEZ  
ALAN JAMES JEFFTHA  
ABRAHAM ANDRÉ COETZEE  
BEVERLY SANDRA DATNOW

CONSULTANT

CYRIL RESS

PROFESSIONAL ASSISTANTS

DAVID IAN WITZ  
JILL HILARY SINGEN  
ROBERT SCHEINER  
LEN-MARI METCALF

OUR REF:

JFH/JM

YOUR REF:

12 April 1988

Mr J.C.G. Botha, MP  
The Honourable Minister  
of Home Affairs & Communications  
Hendrik Verwoerd Building  
Parliament Street  
CAPE TOWN  
8001

**MET DIE HAND  
BY HAND**

Dear Sir

**"OUT OF STEP" PUBLICATION - ALLEGATIONS OF SUBVERSIVE  
PROPAGANDA**

We act for the End Conscription Campaign ("ECC") who have instructed that on 28 March 1988, they received your letter dated 21 March 1988.

We have been instructed by the ECC to make representations in terms of Regulation 7A(4)(b) of the Emergency Regulations published by Proclamation R.97 of 11 June 1987, as amended by Proclamation R.123 of 28 August 1987 and Proclamation R.7 of 15 January 1988.

With regard to your annexure which purportedly sets out a prima facie indication of grounds for proposed action under Regulation 7A(1), our client has instructed us to make the following representations. The numbering of the representations co-incides directly with the numbering of the respective allegations contained in your annexure.

Introduction

Before dealing with your specific allegations, we wish to draw your attention to the nature of the Out of Step publication. Out of Step serves as the mouthpiece of the Western Cape branch of the End Conscription Campaign, a legal organisation constituted as a voluntary association. Out of Step would consequently relate to the End Conscription

- 2 -

The Honourable Minister of  
Home Affairs & Communications

12 April 1988

Campaign, in the same way that the "Paratus" publication relates to the South African Defence Force. Both serve as mouthpieces for the respective organisations and are utilised to further the aims and objects of those organisations.

The major object of the End Conscription Campaign is to pressurize the Government to effect legislative change regarding the policy of compulsory military service. The object of the Out of Step publication is consequently to inform its readers of progress made in the campaign, and to engender further support for the objects of the campaign.

It is important to note that Out of Step has an extremely limited distribution. It is published approximately 4 times per year and, according to our instructions, the print order is only approximately 5000. Of these, only approximately 4000 copies of each issue have been distributed, of which 60% have been distributed at the University of Cape Town. We regard it as significant that the major portion of the readership is based at a tertiary educational institution, and can consequently be regarded as an intellectual and discerning readership. It would certainly be fair to say that the vast majority of the readership would be in a position to distinguish between fact and opinion.

We have been instructed further that the End Conscription Campaign and its Out of Step publication have taken pains to ensure that each issue has been legally checked by its lawyers. In this regard, it is significant to note that no legal prosecution has followed the publication of any issue of Out of Step, nor, according to our instructions, has any issue been restricted in terms of the Publications Act.

Paragraph 1.(a)

Your allegation makes reference to "certain statements which are calculated to have an effect as set out in Regulation 7A(1)(a) and (b)". The allegation does not set out which statements are calculated to have a prohibited effect. It is therefore difficult to reply to this allegation.

We would, however, mention that the statements referred to are part of a composite statement of belief made by 23 individuals who have publicly refused to serve in the South African Defence Force ("SADF"). The 23 individuals concerned are mainly university students of professional people already in practise. They are intelligent people whose beliefs are based on moral, legal and ethical grounds, the gist of which is reflected in their statement of belief. It is clear from the foregoing that the article is calculated to reflect the beliefs of these 23 individuals. The article is not calculated to have the effect as set out in terms of Regulation 7A(1) and (b). In support of this contention it is to be noted that nowhere in the statement of belief are



- 3 -

**The Honourable Minister of  
Home Affairs & Communications**

**12 April 1988**

---

people encouraged to hate or to take a hostile attitude towards the SADF or any member thereof. In fact, the conclusion of the said statement contains a message of "peace and harmony". In addition, we wish to point out that none of the 23 persons concerned has been prosecuted as a result of the publication of the statement.

Paragraph 1.(b)

It is submitted that the quote referred to herein is taken completely out of context. The allegedly offending words are taken from one of three introductory paragraphs which reflect the type of problem commonly experienced by many young conscripts. The purpose of reflecting these problems is to enable parents reading the article to ascertain whether their conscripted sons are facing similar problems such that parents may feel the need to be part of the Parents Support Group structure. This is the intended effect of the quote you refer to. The article itself clearly contextualises these quotes in the first sentence of the fourth paragraph thereof, i.e. "these represent the experiences of conscripts whose parents eventually came together to form the ECC Parents and Supporters Group ("PSG")". This article is calculated to have the effect of encouraging mutual support amongst parents of conscripts by means of sharing experiences with like-minded people. It is not calculated to have the effect set out in Regulation 7A(1)(a) and (b).

Paragraph 1.(c)

It is submitted that this article is based on the experiences of a qualified conscription advice service counsellor. The article also quotes extensively from post-graduate research conducted at the University of Witwatersrand. The article is calculated to have the effect of highlighting the nature of moral and psychological problems being faced by conscripts.

It is conceded that the article paints a rather alarming picture about the psychological problems experienced by soldiers. However, it is submitted that the article is well researched and accurate. While the article deals only with the problems facing white conscripts, it nevertheless concludes by expressing concern for the "psychological casualties of the current intensifying civil war from both sides of the battleline". It is submitted that by concluding the article in this way, it cannot be said that the article is calculated to have the effect mentioned by Regulation 7A(1)(a) and (b), but rather that the tenor of the article is such that it is impliedly concerned about the effects of war per se.

The Honourable Minister of  
Home Affairs & Communications

12 April 1988

---

Paragraph 1.(d)

It is submitted that the quote referred to is made possible by a rather perverse KOEVOET t-shirt slogan. Furthermore, that paragraph is followed by concrete examples of complaints made about alleged SADF and COIN atrocities. It is submitted that the KOEVOET/COIN reputation as a hardened and brutal force is a commonly-held perception by political allies and opponents of the South African Government in Namibia. The article concludes by calling for a political solution to the Namibian war by implementation of the UN Security Council Resolution 435, a solution which the State President, Mr P.W. Botha, has also been on record as supporting. In the light of the aforesaid, it follows that the article is calculated to emphasise the need for a peaceful solution in Namibia. The article draws attention to this need by reference to the grim spectre of war atrocities and troop losses on both sides. It is to be noted that the article quotes extensively from a rightwing publication, namely, the Aida Parker Newsletter. In conclusion therefore, the article is not calculated to have the effect as contemplated by Regulation 7A(1)(a) and (b); in fact, rather to paint a portrait depicting the tragedy of war and the need for a peaceful solution thereto.

Paragraph 1.(e)

It is submitted that this article is calculated to highlight the level of conflict in South Africa and Namibia. The reader's attention is drawn to the fact that the armed struggle against South Africa's occupation of Namibia is 21 years old. Furthermore, attention is drawn to the fact that two of the opposing forces in South Africa are both celebrating their 75th anniversaries, in a context where the ANC is still regarded as the most important force in black politics. The article goes on to impliedly draw links between the aforesaid and the dilemmas felt by many conscripts about service in the SADF.

This is the context in which the article calls for viable alternatives to participation in a war against fellow South Africans and South Africa's neighbours. The article is calculated to have the effect of drawing attention to the need for viable alternatives to military service. This type of call has been regularly made by many other organisations and parties both inside and outside Parliament, and amounts in effect, to the need for legislative, constitutional changes.

- 5 -

The Honourable Minister of  
Home Affairs & Communications

12 April 1988

-----

This interpretation is supported by the last paragraph of the said article where the stand taken by the 23 objectors is impliedly linked to the need for alternative service, as well as the need for the ending of war and violence in the region. The last paragraph should be seen in the light of the first two.

Paragraph 1.(f)

As with paragraph (a), it is difficult to respond to your comment about this article in that there is no specification of the offending "allegations". This article takes the form of an interview with an Advocate who is widely regarded as an expert on Namibian affairs. Advocate Lobovsky is clearly of the opinion that much of the blame lies with South Africa. However, in the last paragraph of the interview, he makes it quite clear that he does not see the war as a solution to the Namibian problem and that a peaceful negotiated solution is required. It is submitted that the article is calculated to have the effect of drawing the reader's attention to Resolution 435 and emphasising the need for a peaceful negotiated settlement in Namibia. Finally, it should be noted that the article takes the form of an interview which makes it clear that an individual's particular point of view is being reflected.

Paragraph 2

It is submitted that the positioning of the ANC cake and the person under the table is such that it cannot be said to promote the public image or esteem of such organisation. Rather, the cartoon is calculated to have the effect of drawing the reader's attention to the situation where despite 75 years of existence as a powerful black political force in the country, the ANC is still not recognised by the South African Government or the SADF. The ANC is clearly revealed as an underdog and an organisation of inferior strength in the said cartoon.

Paragraph 3.(a)

It is submitted firstly that the allegation that the SADF destroyed the community and occupied a clinic is made by Dr Toms and not the author of the article. That the SADF occupied the SACLA clinic is an undisputed fact. That the SADF played a crucial role in "destroying the community", is a point of view expressed by someone with intimate knowledge of that community. This point of view has been repeatedly

- 6 -

The Honourable Minister of  
Home Affairs & Communications

12 April 1988

supported by witnesses in a well known court case being heard by the Cape Town Supreme Court wherein the residents of Crossroads are seeking damages against representatives of the South African Government arising out of police and military action in the area. In the case of S v Toms (unreported) heard at the Wynberg Regional Court during February/March 1988, Dr Toms reiterated his opinion in this regard and at no stage was his credibility or integrity as a witness ever brought into question. It is submitted that the article is calculated to have the effect of showing the dire need for a constructive alternative to national service by highlighting Dr Toms's dilemma in this regard.

Paragraph 3(b)

The article on the MNR is based on a talk delivered by Dr Patrick Harries, a well known historian and expert in the area of Mozambiquan affairs. The thrust of the article is extremely critical of the MNR and the SADF to the extent that the two bodies have worked together. It is submitted that the article is calculated to draw the reader's attention to the commonly held view that the MNR plays a destructive role within Mozambique. Furthermore, it should be noted that the article is clearly presented as being the opinion of Dr Patrick Harries.

With regard to the "Zimbabwe" article, it is submitted that this is a well researched article about de-stabalization in Zimbabwe. South African involvement in this process has often been raised as an area of political concern, both inside and outside Parliament and more specifically in the commercial press.

Paragraph 3.(c)

It is submitted that the allegedly offending quote is made in the context of a call for constructive alternative service. In this context it is clear that the quote is not calculated to engender hatred or hostility towards the SADF, but rather to highlight the conscript's dilemma in a situation where it is a commonly held view that the SADF has very close links with the Nationalist Party, especially through its involvement in the National Security Management System.

Paragraph 3.(d)

It is submitted that the allegedly offending quote is a well known fact. SADF personnel have on occasion admitted links to the MNR. Furthermore, it is a commonly held view that one

- 7 -

The Honourable Minister of  
Home Affairs & Communications

12 April 1988

of the reasons for the Nkomati Accord was to prevent continued co-operation between the SADF and the MNR. Furthermore, the article is written in factual and objective terms. It is primarily an informative piece of writing.

Paragraph 3.(e)

It is submitted that this article should be seen in terms of the context in which it is presented, namely, the viewpoint of a particular ECC leader. Borain expresses a large measure of empathy with the individual conscript while expressing his view that many conscripts have problems with the issue of conscription because they feel the SADF is integrally linked to the Nationalist Party Government and its policy of repression.

Yours faithfully  
MALLINICK, RESS, RICHMAN & CLOSENBERG INC.,

Per:

*pp M. Evans*

J.F. HARDCASTLE

Original letter received on this  
12TH day of APRIL 1988 at 15 h 30.

*L. Lovell*

.....  
for: Minister J.C.G. Botha  
Department of Home Affairs  
& Communications

## CT's OUT OF STEP REPORT

Since about mid-June the security police have been attempting to obtain the names of the people responsible for producing the CT ECC publication Out of Step.

They asked first Chippy and then Dave Green to come in and answer questions, or face a possible arrest. They went accompanied by a lawyer but were unable to provide any names as the editions had been produced before they were on the executive.

The security police then contacted Paula in PE believing she would have the information they required. She managed to delay meeting them until she got to CT. Those responsible for OOS decided however, that she should provide the 2 names if they threatened her with a subpoena. They had a subpoena prepared for her when she refused to give the names. Our lawyer negotiated that if those responsible came forward, neither Paula nor anyone else would be subpoenaed.

Barbara and David S. met with the ECC lawyer who wrote a statement admitting they were solely responsible for the publications. Security police wanted them to make this statement before a peace officer which they then did.

The case has been referred to the attorney general, and we await his decision on whether or not they press charges. We are being accused of breaking the media regulations under the emergency - producing subversive statements - 10 years and/or R10 000.

**Collection Number: AG1977**

**END CONSCRIPTION CAMPAIGN (ECC)**

**PUBLISHER:**

*Publisher:- Historical Papers Research Archive*

*Location:- Johannesburg*

©2013

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.