

# Teacher charged with incitement

## HERALD REPORTER

A UTENHAGE teacher encouraged pupils to dress in black and mourn for those killed in Soweto and Port Elizabeth during the riots, write slogans and get involved in mass demonstrations, it was alleged in a Port Elizabeth Regional Court yesterday.

Mr Henry Ndyabo Mali, 25, pleaded not guilty of incitement to commit public violence, alternatively, convening or encouraging attendance of an illegal gathering.

## Meeting

The State alleged that he committed the crimes in Kwa Nobuhle and Langa townships, Uitenhage, between January and June, 1977.

A girl of 17 who may not be identified, said in court that Mr Mali was president of the Student Christian Movement (SCM) and a teacher at Gqagqibo Secondary School. On June 14 a meeting was called at the school, Mr Mali addressed them on riots in Soweto and Port Elizabeth.

"He said we should dress in black and mourn for those who were shot by the police during the riots. We must go from school to school and conduct prayers there. We must demonstrate our sympathy by prayers and not defy those in authority," said the girl.

She said the period of mourning was planned between June 16 and 21.

## Slogans

On June 16 they were dispersed by police while marching to other schools.

A youth of 17 said he and three other youths were called by Mr Mali to his house, where he addressed them about the

treatment of blacks by whites.

The boy said Mr Mali gave them slogans to write on the blackboard at school.

"He told us that he would give us a formula for a petrol bomb the following day," he said.

The youth said Mr Mali said he would tell others that they were informers if they did not obey him.

The trial continues 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 D. Kondile and C. Sonyalo) appeared for Mr Mali.

# PE townships, death toll rises to six

## HERALD REPORTER

THE DEATH toll after last week's disturbances in the Port Elizabeth African townships rose to six on Saturday night when a man alleged to have been a looter died of wounds. Altogether 13 people were wounded in clashes with the police.

The Divisional Commissioner, Brig P. J. Hugo, said yesterday that there might be more dead or

wounded since the police started firing on looters at two bottle stores in New Brighton on Thursday, killing two and wounding eight.

At the weekend three bodies were found in other parts of the townships, but he was sure they were shot while looting and carried away by comrades. Sporadic stonings of police vehicles continued on Saturday, but he

had received no reports of serious unrest yesterday.

Attempts were made to set alight private houses, including the homes of two policemen, and a bottle store in the townships. Petrol bombs were used in some cases, he said.

In Cradock an attempt was made on Saturday to set alight a Coloured school which was being guarded by parents. Somebody slipped through their guard and threw a petrol bomb into the school.

The fire was extinguished quickly, but some damage was caused, mostly by water. In Grahamstown there were also a number of incidents, none of them serious.

Yesterday the situation was under control, Brig Hugo said.

The assistant general manager of Bay Passenger Transport Company, Mr G. B. Shields, said normal services into the Port Elizabeth African townships were resumed yesterday morning.

The services were withdrawn on Friday as a precautionary measure and buses ran to the perimeter of the townships only. On Saturday afternoon the services into Kwazakale were resumed, but the Mendi Road area of New Brighton, where most of

# Riot cases to be reviewed

## HERALD REPORTER

A GROUP of Port Elizabeth advocates and attorneys are voluntarily sifting through the court records of about 700 riot cases, some of which will be presented for review to the Judge-President of the Eastern Cape, Mr Justice Cloete.

The cases, in which many African youths under 14 were sentenced to cuts, were heard at the Algoa Park police station in June last year after rioting in Port Elizabeth's African townships.

In September this year, the Bar Council called for a review of some of the cases on the grounds that a person under 14 is presumed incapable of committing a crime unless he

offence. The Bar Council also alleged that many of the youths' guardians were not present in court.

The chairman of the Eastern Province Bar Council, said from Grahamstown this week that he had undertaken to present the Judge-President with cases for review.

He said that certain Port Elizabeth advocates and attorneys, whom he could not name, were sifting through the court records of about 700 cases to determine which would be presented for review.

He emphasised that the sifting process was being done voluntarily and that the relevant advocates and attorneys could do such work only when they had



**TWO** men were killed, eight were wounded, three houses were burnt down and a New Brighton playwright was abducted and beaten up as rioting rose to a new intensity in Port Elizabeth townships in the last 24 hours.

Police said today two men were shot during looting incidents at the Mendi Road and Avenue C bottle stores.

Eight other people received gunshot wounds.

Rioters hijacked a truck and used it to smash down the doors of these bottle stores.

From time to time looters then returned to steal liquor during the night, and police finally opened fire to disperse them.

During the night three houses were set alight. One of them was the home of Mr Charles Gamanda, a former inspector for the Bantu Affairs Administration Board.

Another was the home of Mr Masiza Duru, the playwright, brother of the actor, Mr Welcome Duru, whose house was burnt down on Tuesday night.

### BEATEN UP

In the incident, the playwright was dragged from his home and taken away by a group of rioters.

Overnight his family feared he had been kidnapped, but Mr Duru reappeared at 11am today and said he took refuge in a friend's house, after he was beaten up by the mob.

The other house belonged to Mr Amigo Malunga and was one of the largest houses in New Brighton.

Throughout yesterday and after dusk sporadic stone-throwing was directed at police vehicles, and the Hippo anti-riot truck made its second appearance on the streets.

Shebeens took heed of yesterday's warning by youths to get rid of their stocks within 48 hours, and many of them returned liquor to bottle stores.

The youths had chanted: "We want liberty and the white man gives us liquor."

### GIRLS HELD

Elsewhere in the Eastern Cape police were also busy dealing with rioters.

In Grahamstown 58 Africans were arrested. A special court sentenced 49 men to five cuts each and nine others were remanded after being charged with attending an unlawful gathering.

African parents took a hand in disciplining their own children by giving them a "good hiding" after rioting broke out in Somerset East and Cookhouse yesterday.

This was disclosed today by the Divisional Commissioner of Police, Brigadier P. J. Hugo.

Brig Hugo said children started rioting in a class

## Arsonists damage PE school

**HERALD REPORTER**  
ARSONISTS yesterday afternoon set fire to a school in New Brighton, Port Elizabeth, severely damaging two classrooms.

The Divisional Commissioner of Police, Brig J. C. de Klerk, said last night that arsonists set fire to the Densinuka Primary School in Tshangana Street, New Brighton, at about 5.30pm.

Three fire tenders went to the scene and extinguished the blaze before it could spread further than the two classrooms.

Police were investigating.

Brig De Klerk said that the situation in the townships yesterday and last night was "tense but quiet". There had been no other incidents of unrest.

MR MALI

# Accused asks for clothes

### HERALD REPORTER

AN advocate yesterday asked a Port Elizabeth regional magistrate whether clothing belonging to Mr Henry Ndyebo Mali, 25, a teacher, charged with inciting public violence, could be returned to him by the police so that he could appear in court properly dressed.

Mr J. Poswa (instructed by Kondile and Somyalo) made the request for Mr Mali, who appeared in court dressed in a track-suit and blazer. The magistrate, Mr B. P. Loots, then asked the investigating officer to find the policeman who had Mr Mali's clothes so that they could be brought to court today.

The State alleges that Mr Mali influenced his scholars to hate the white population, to set fire to schools and beer halls, and to hold demonstrations. It is also alleged that he told the scholars that they were being oppressed and wrote slogans on blackboards.

At a previous hearing, Mr Poswa contested a statement which Mr Mali allegedly made to the police. He said the statement had been made under duress and submitted that it was inadmissible in court.

Mr Mali told the court that he had been punched hit with a piece of hose pipe, given electric shocks and forced to make a statement by members of the Security Police in Uitenhage.

He said Capt H. B. du Plessis, WO G. J. Schoeman and Lt D. Mulder had assaulted him. He said he had been blindfolded when he received the electric shocks.

### Denied

Capt Du Plessis, WO Schoeman and Lt Mulder all denied that Mr Mali had been assaulted or induced to make the statement. Capt Du Plessis said Mr Mali handed in a statement which he had written while in the cells at Kirkwood.

WO Schoeman and Lt Mulder both said they had never even seen the statement.

At one stage of the cross-examination, Mr Poswa objected to Mr Klackers, the prosecutor, shouting at Mr Mali. Mr Loots ruled that there was nothing wrong with the tone of Mr Klackers' voice.

The case was postponed until today for further evidence on whether the statement is admissible.



**TWO KILLED IN**

*Violence and looting  
flare up again*

**PE RIOT**

REPORT ON THE INQUEST OF THE DEATH OF MARTHA SILEKE,  
INQUEST NO. 2198 OF 1976.

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INTRODUCTION:

The object of this report is to set out certain facts relating to this inquest, and to highlight certain procedural irregularities and the inefficient conduct of this inquest by the authorities entrusted with the proper and fair handling of deaths from unnatural causes.

The report is divided into two sections :-

- A. The pre-enquiry procedure. This shows the inefficient handling of the matter by the authorities.
  
- B. The enquiry. This shows what seems to be a tendency on part of supposedly neutral officials to pre-judge the issues and to conduct the enquiry accordingly.

THE PRE-ENQUIRY PROCEDURE:

1. The inquest was first set down for the 19th July 1977.
2. At this hearing it was arranged that we would take further witnesses' statements and submit them to the Prosecutor.
3. The inquest was postponed to the 1st September 1977.
4. We obtained a further two witnesses' statements as well as amplifying the statements of Robert Sileke and another witness.
5. Mr. Lister attended the inquest on the 1st September 1977 and discussed the matter with the Magistrate, Mr. Dormehl. Mr. Dormehl was not keen to have to handle the matter formally as he felt that it would put him in a position where he would have to preside at the inquest itself.
6. The matter was discussed for about three hours and was then postponed to the 3rd October 1977. During this discussion, the Magistrate indicated that in his opinion it would not be necessary to subpoena Monica Mosikare as nobody would believe her statement anyway. In addition, he indicated that he would refuse to subpoena the doctor who had done the post-mortem as he was a busy man.



7. We undertook to try to obtain further statements by the 19th September and to send them to the Prosecutor, Miss. Shun. This undertaking was given as we were informed that subpoenas could not be issued before all the statements had been sent to her.
8. On the 27th September 1977, Mr. Mitchell wrote to the Prosecutor requesting her to subpoena all the witnesses except the doctor who did the post-mortem.
9. Shortly afterwards, he received a frantic telephone call from the Prosecutor to say that she could not possibly subpoena everybody before the 3rd October 1977, and we arranged for a meeting between the Magistrate and the various representatives of the parties on the 3rd October 1977 to discuss the matter once again.
10. On the 3rd October 1977, Mr. Dormehl again indicated that he was unwilling to hear the matter and as the other Magistrate, Mr. Meiring, was not immediately available, a further meeting was arranged for the 17th October 1977 with Mr. Meiring.
11. On 17th October 1977, after a consultation with the Magistrate, the Prosecutor, Mr. Mitchell and the Deputy State Attorney, it was arranged -

/11.1. That ...

11.1. That the matter would be set down for 8th November 1977 and would run until the 10th November. These dates were confirmed as being suitable to all the parties present.

11.2. It was arranged after some discussion between all the parties, that the Prosecutor would subpoena all the witnesses except the doctor involved.

12. In the meantime we had arranged funds to brief Counsel and we had in fact briefed Mr. J. Josephson. On the 8th November 1977 -

12.1. The matter could not be heard because -

12.1.1. Mr. Dormehl said that the Chief Magistrate had ruled that a matter similar to this was a part-heard matter, and that therefore only Mr. Meiring could hear it;

12.1.2. Mr. Meiring was not available as he had been sent elsewhere that day;

12.1.3. The Prosecutor had not subpoenaed any witnesses apart from police witnesses.



13. The various representatives present were about to postpone the matter for approximately a month to ensure that all witnesses and the Magistrate would be present, when Mr. R. Sileke arrived with all the witnesses in tow. The hearing was accordingly set down for the following day. The fact that Mr. Sileke arrived with all the witnesses was due only to the fact that Mr. R. Lister had visited the scene of the shooting the previous day. He had seen one of the witness' brother there and had asked him to remind the witness that he was due to appear in Court. From this casual reminder Mr. Sileke had deduced that he should be in Court the following day and that he should ensure that all the other witnesses were there as well.



COMMENTS ON THE ACTUAL PROCEEDINGS:

1. At the inspection in loco R. Sileke, the husband of the deceased, was asked questions in a vague manner as to the positions where various things occurred. His answers however, were expected to be exact. When this was challenged, the instructing Attorney (clerk) was reprimanded by the Magistrate. An example of this was that Sileke was asked where the motor car was parked, and he stood and waving his arm backwards and forwards in front of him indicated that the car was in front of the point where he was standing. The Magistrate later insisted that Sileke stated that the motor car was exactly where he was standing.
2. There was no discussion as to which witness should be called first, or in what order the remaining witnesses should be called. The Prosecutor called all the witnesses, apparently without consulting with the Magistrate but merely obtaining his approval on the spot.
3. For no apparent reason (except that he wished to show her a photograph and have a certain spot pointed out), the Prosecutor began with the one Black witness who, to some extent, supported certain aspects of the police version of the happenings.

/4. The ...

4. The Investigating Officer was told at lunchtime on the first day that he need not be present for the rest of that day. The Prosecutor did, however, obtain assurance from us that we did not propose to ask him anything that day.
  
5. The second witness to be called was the deceased's husband. His statement, which he had made to us, was read to him and acknowledged as correct, as was the map which was attached to the statement. The Prosecutor then drew the witness' attention to two points on the map and the witness told him that they were not correct. The witness was then asked  $\pm$  37 questions concerning these points and how it was that they were incorrect if he had drawn the map. The Prosecutor then said "You are evading the issue, you are being clever". Immediately thereafter, the following exchange took place between the Prosecutor and the witness:-

"How many shots did you hear?

A lot of shots.

Now Oupa screamed and your wife was hit?

Yes.

Were the shots in rapid succession?

I am not sure. I just heard shots and my wife was already down.

/How ...



How many shots?

I can't remember.

Why?

Because I had all these worries over my wife's death.

So you've forgotten?

(silence)

Do you know what you remember?

Yes.

Are you sure?

Yes.

The above exchange is recorded in an attempt to indicate the atmosphere, and the attitude with which the Prosecutor approached this inquest.

6. The second morning before starting, the Magistrate walked in and said to us "Are you calling any more witnesses?" He then informed us that he had told the Investigating Officer that he could leave because he wouldn't be needed.
7. The recording machine being used could only have one tape in it at a time. Therefore every/time a tape ended, the proceedings had to be stopped. Once it stopped in the middle of one of the witness' answers and he was accordingly told to stop by the Magistrate. The machine was re-started and the Prosecutor, instead of asking the witness to continue, asked him why it was that he could

/ not ...

not answer this simple question. Counsel's objection was overruled. The question was then asked again and immediately answered.

8. The same witness stated that a period of three minutes had elapsed between two events. This answer did not suit the police evidence and the witness was accordingly asked five questions along the lines of, "How long is three minutes to you".
  
9. The policeman who was referred to by the Magistrate throughout the proceedings as the "suspect" (although none of our witnesses attempted to identify him) was allowed to remain in Court throughout the proceedings, while other witnesses were excluded. When the other policeman was called to give evidence, Counsel raised an objection to the "suspect's" presence. The Magistrate replied that in criminal matters the accused would be present. Counsel conceded this point but submitted that if we were taking guidance from criminal proceedings, then the "suspect" should give evidence before listening to the evidence of the other policeman. The reply to this was "Not necessarily. Proceed". A few minutes later the Court was adjourned for lunch and the Deputy State Attorney turned to the witness and said "Now don't talk to Hattingh (the "suspect") during lunch."

/9. A witness ...



9. A witness giving evidence against the police was asked the following questions about the contents of his statement by the Prosecutor. "What else did you hear from others?"

"Nothing.

You didn't hear about the car from someone else?

What car?

That car.

Which car?

You are evading my question."

10. The interpreter clearly at one point interpreted the Afrikaans word "ras" (race) as "geraas" (noise). This led to some confusion in the answer, but was not cleared up.

11. The "suspect" was called last of all the witnesses, and he was informed by the Magistrate that he could not be forced to give evidence, but that if he did so it would be used against him in the event of the Attorney General deciding to prosecute. He elected not to give evidence.

12. As mentioned above, discrepancies in our witnesses' statements were fully exploited by the Prosecutor. Sgt. Myburgh (the other policeman) mentioned barrels blocking the road during his oral evidence (for the first time) This was not even commented upon by the Prosecutor or the Magistrate. The fact that the road was blocked by barrels would have been a vital piece of information.



13. Sgt. Myburgh stated that Augustine (the Investigating Officer) had not taken the statement from him. He later said he hadn't mentioned the barrels because the Investigating Officer hadn't asked him about them. Counsel queried this apparent contradiction concerning the Investigating Officer. The Prosecutor immediately interjected "I can explain that. There were several Investigating Officers at the beginning and you meant not this one. Isn't that right?"
  
14. During the proceedings, on the first morning, the Prosecutor wrote on a piece of paper - folded it over so that the contents could not be read - and passed it over, across Counsel and myself, to the Deputy State Attorney's representative.
  
15. At lunchtime, the Prosecutor said to the Deputy State Attorney's representative "Mr. Coetzee, hold on I would like a word with you".
  
16. The Magistrate's decision was that the deceased was part of a rioting crowd of people who were endangering the lives of the police. She was shot by the "suspect" in self defence.
  
17. No mention was made of the following facts :
  - 17.1. The deceased was due to give birth to a child three days after her death and she had not been to work for several days prior to her death

/ because ...



because of ill health.

- 17.2. Five witnesses stated in oral evidence that there was no rioting while one - the other policeman - said that there was.
- 17.3. Nobody except the deceased and one other person, who incidentally was another of our witnesses, was apparently hit by police bullets, despite the "suspect's" statement that he fired twenty rounds from his R.1. rifle into the crowd.
- 17.4. A pool of blood formed where five witnesses stated that the deceased had died. There was no evidence of a trail of blood from where she was found to have been shot to where the pool of blood formed, and there were no marks on her body consistent with her having been dragged.
- 17.5. The police were fearing for their lives, yet by their own admission, one of them had a cigarett in his mouth at the time of the shooting.
- 17.6. According to statements made by the policeman the vehicle was damaged only on the front and back left-hand corners. No mention was made

of the number of dents that would be expected if rocks and other objects were thrown at the car in sufficient numbers to cause two armed policemen in a motor car to fear for their lives.



*Wynberg Road  
No. 15*

# BUCHANANS

(Formerly Buchanan & Berman)

ATTORNEYS

TELEPHONE: 77-1126  
(3 LINES)  
TEL. ADD.: "RODBUC"  
P.O. BOX 19, WYNBERG 7824

MEDICAL CENTRE  
MAIN ROAD  
WYNBERG 7800  
CAPE TOWN

OUR REF.: CN/jh/s113

8th February, 1978

YOUR REF.

Mrs. M. Henderson,  
Dependants Conference,  
W.P. Council of Churches,  
1 Long Street,  
MOWBRAY  
7700

Dear Mrs. Henderson,

re: RICHARD de SATGE, MICHAEL POPPLETON  
and MARK PEERS

Your letter of the 2nd February, 1978 refers. Please find enclosed receipts for the two cheques which you sent us to cover the legal fees for the abovementioned persons and we thank you in this regard.

Our fee account to Mark Peers was in fact only R113,00 and so we enclose undercover hereof a cheque for R17,00 being the balance to be refunded to you.

Mark Peers was charged with contravening Section 1 (a) read together with Section 2 of Act 52 of 1951 which is the prevention of Illegal Squatting Act. He was charged in that upon or about the 15th day of August, 1977 and at or near the Modderdam Squatters Camp, in the district of Bellville, he wrongfully and unlawfully entered upon or into without lawful reason, or remained on or in any land or building, to wit a certain piece of land adjoined by Modderdam Road, the railway line and the premises of the Coloured Persons Representative Council, known as Modderdam Squatters Camp, without the permission of the owner or the lawful occupier of the said land, to wit The State and/or the Department of Public Works, whether such land is enclosed or not.

We appeared on his behalf and argued for his discharge at the end of the State case on the basis that the State had neither alleged in the charge sheet nor had proved in its case that the Act applied to the particular piece of ground known as the Modderdam Squatters Camp and that accordingly this rendered their case fatally defective. The State is required to prove in terms of Section 11 of the Act that the Act is applicable to a particular area of ground and in this case the Modderdam Squatters Camp.

The Court / ... 2.



The Court accepted our arguement and Mark Peers was accordingly acquitted at the end of the State's case.

Richard de Satge and Michael Poppleton were charged along with the Reverend David Russell for contravening Section 7 of the above Act in that upon or about the 11th day of August, 1977 and at or near Modderdam Squatter Camp, in the district of Bellville, they wrongfully and unlawfully hindered, obstructed or resisted an officer of the Cape Peninsula Bantu Administration Board, designated by the Minister of Bantu Administration and Development, whilst exercising power granted under Section 3B(1)(c) of Act No. 52 of 1951, as inserted by Section 2 of Act No. 92 of 1976, to wit did hinder, obstruct or resist Pieter Stephanus Pietersen and/or Jan Philander by lying down in front of the wheels of a frontend loader used to demolish buildings or structures referred to in Section 3B(1)(a) of the said Act which was situated on land which is not the property of the said Board, to wit was situated on a certain piece of land adjoined by Modderdam Road, the railway line and the Coloured Representative Council's premises, known as Modderdam Squatters Camp, and the property of the State and/or the Department of Public Works.

The two accused pleaded guilty to the charge and gave a lengthy evidence in mitigation of the sentence explaining the reasons and motivations for their committing the offence. They were each fined R100,00.

We hope that this brief summary is sufficient for your records.

Many thanks.

Yours sincerely,  
BUCHANANS

per : *Charles Nupen*

CHARLES NUPEN



In account with **BELL, DEWAR & HALL**  
ATTORNEYS, NOTARIES AND CONVEYANCERS

R List 2/1980

10th Floor, Norwich Union House  
91 Commissioner Street, Johannesburg 2001  
Telephone 833 5665 Telegrams 'Justinian' Telex 8-8122 SA  
Postal address: P.O. Box 61680, Marshalltown, 2107.

H/s Bowens  
Attorneys  
Johannesburg

17th February 1978.

RE MARTHA SILEKE

By our fee for taking instructions and consulting with Mr Robert Sileke, considering the possibility of instituting proceedings against the Minister of Police, sending a letter of demand to the Minister of Police and attending on the Reply from the Deputy State Attorney. Arranging further consultations with Mr Sileke to take statements from him, writing to the Deputy State Attorney for a further extension of prescription, taking statements from Daniel Mosikare and Ezikiel Maluleka and attending at court on the 19th July, 1977 when the matter was postponed to the 1st September, 1977. Requesting a copy of the Inquest record and perusing the statements by the various policemen concerned, as well as taking a further statement from Robert Sileke and statements from Monica Mosikare, Margaret Seloko and Jappie Bapela. Considering the evidence and the extent of further evidence which was obtainable and necessary, attending the scene of the shooting to draw a map of the area and to establish whether the police plan was accurate and attending in court on the 1st September, 1977 when the matter was stood down to the 19th September, 1977. Consultations with Mr Robert Sileke and the various witnesses

and/.....

R

and attending on the Prosecutor of the Inquest Court to arrange for the necessary subpoenas to be issued, discussing the question of briefing Counsel with you and reporting to you on the progress of the matter. Preparing the evidence which would be used at the Inquest at a time when Counsel had not yet been briefed and then briefing Counsel and, because of the short notice being given to Counsel, explaining the basic outline of the matter to him and assisting him in preparing his evidence. Attending at Court on the 7th November, 1977 when the matter was postponed until the following day and then inspecting the scene with Counsel, and consulting with various witnesses. Attending in court on the 8th and 9th November, 1977 when the matter was heard and thereafter requesting a copy of the Inquest record, reporting to you, perusing the record and submitting a report;

To our reduced fee	176.00
To paid Counsel	370.00
To photocopy (152)	15.20
To paid Lubbe's for court records	86.00
To telephone calls, telegrams, postages and petties	2.80

R

650.00



*Bowens*  
Formerly  
BOWEN SESSEL & GOUDVIS  
ATTORNEYS

The Legal Costs Trust Fund,  
P.O. Box 31190  
BRAAMFONTEIN  
2017

SEVENTH FLOOR, HUNTS CORNER,  
45 ELOFF STREET,  
JOHANNESBURG 2001.  
P.O. BOX 6434, JOHANNESBURG 2000.  
TEL. ADD: "HUTCH",  
TELEX: 8-0647 JHB.  
TEL.: 836-2341.

OUR REF: OJB/DJ/vh

YOUR REF:

24th February, 1978

Dear Sirs,

INQUEST NO. 2198/76 MARTHA SILEKE

We refer to previous correspondence in this matter. Bell, Dewar & Hall have reported to us on the finding of the magistrate re the above Inquest. Apparently the magistrate found that the deceased was shot while in the vicinity of or engaged in a riot and therefore the Police cannot be held liable as the shooting was a matter of self-defence. Bell, Dewar & Hall report that they are disturbed by this finding and have in fact compiled a report on the procedures adopted by the Inquest authorities and also on the irregularities in the enquiry itself. We are forwarding a copy of this report to you. If anything further occurs in regard to this matter. Bell Dewar & Hall will report to us.

We have received an account from Bell Dewar & Hall in the amount of R650,00. copy of which is enclosed.

We shall report any further developments to you.

Yours faithfully,  
BOWENS

*D. Jacobs*

*Dr. Asinger*  
21/15



## Shooting probe confirmed

HERALD REPORTER

POLICE headquarters in Pretoria have announced that there will be a full investigation into the circumstances of the death of two Africans, following shooting by Port Elizabeth police at the weekend.

This was confirmed last night by the Divisional Commissioner of Police in Port Elizabeth, Brig Johan de Klerk.

Those who died were Mthobeli Austin Delliwe, 20, a Form 2 pupil of Kwazakale High School and member of Da Santos Soccer Club in Kwazakale; and Mzwabantu Alfred Gwaxula, 18, of New Brighton. They were allegedly shot during funeral processions of riot victims.

### Unrest

At least six people were wounded — one seriously — when police opened fire on alleged stone-throwers after four funerals in the Port Elizabeth townships at the weekend.

Since the weekend's unrest at funerals, police have asked funeral undertakers in the Port Elizabeth African townships not to arrange funerals of riot victims at weekends.

The request was made to minimise the chances of unrest at funerals, Brig De Klerk said.

## Stoning: Man fined

HERALD REPORTER

A WITNESS told a Port Elizabeth regional magistrate yesterday that he saw a man, who was convicted of malicious damage to property, throw stones at four buses, breaking two windows.

The witness was giving evidence at the trial of Goldberg Maqoma, 23, who was fined R150 (or 100 days) plus a further nine months conditionally suspended for three years.

The magistrate, Mr P. J. Botha, granted an application by the State that the names of the two State witnesses not be mentioned in any Press reports.

### Branded

The prosecutor, Mr P. Crous, said State witnesses were often uneasy while giving evidence because a section of the population branded them as "police informers". He said witnesses had often been assaulted and their homes burnt down after giving evidence.

## Violence charges called off

HERALD REPORTER

THE State yesterday withdrew charges of public violence against eight men who appeared in the Port Elizabeth Regional Court.

They were Mr Leslie Tahayana, 24, Mr Thozamile Ngeleza, 22, Mr Mpunzi Rhulashé, 21, Mr Samuel Majola, 24, Mr Maynard Citwe, 18, Mr Svelinzima Nkatu, 19, Mr Vuyami Betsha, 19, and Mr Popo Blom, 20.

No details of the alleged public violence were available from the charge sheet.

Mr P. J. Botha was on the Bench and Mr P. Crous appeared for the State. Mr J. Jackson represented the men.

## Bottle store shooting recalled

HERALD REPORTER

AN anti-riot policeman told a Port Elizabeth regional magistrate yesterday that he shot four or five people, one of whom died, while he was guarding a bottle store in New Brighton in October.

Const R. Hurter was giving evidence at the trial of Mr Solly Koloyi, 30, who pleaded not guilty of public violence. The State alleges that Mr Koloyi was part of a mob which stoned a bottle store in Mendi Road on October 13 and tried to steal liquor from it.

Mr H. Fischat, for Mr Koloyi, said his client, who appeared in court on crutches, would deny all the allegations in the charge sheet.

### Duty

Constable Hurter told the court he was on guard duty at the bottle store when a group of about 60 people started to shout "Amandla", give Black Power salutes and stone the bottle store.

A group of about 15 men then burst into the bottle store. Mr Koloyi was among the men.

A man who tried to steal a case of liquor was arrested and the rest of the group fled.

Constable Hurter said he shot Mr Koloyi in the left thigh while he was running away. Under cross-examination, Constable Hurter said he shot four or five people, one of whom died.

Mr Koloyi then disappeared into the mob and he identified him at the Algoa Park police station on November 4.

### Street

Constable Hurter said he had shot many people in the townships but could not remember how many.

Mr Koloyi told the court he was shot while walking in Nikiwe Street. He denied stoning the bottle store or being near it on the day of the shooting.

When he was shown to Constable Hurter three weeks later, Constable Hurter said that he did not know him.

Constable Hurter denied this.

The hearing continues today.

Mr P. J. Botha was on the Bench and Mr P. Crous appeared for the State.



# Application for bail rejected

HERALD REPORTER

A BAIL application for two men was refused by a Port Elizabeth Regional Magistrate yesterday after evidence that organisations were recruiting people to leave the country.

Mr D. Tshiki applied for bail on behalf of Mr Michael Stockwe, 19, and Mr Methetheli Myathaza 19, pending the outcome of an appeal against conviction.

They were each sentenced to 2½ years' imprisonment on November 30 after being convicted of public violence.

In judgment, the magistrate, Mr P. J. Botha, said the court took into account the evidence of Det - WO C. F. Scheepers who said that people released on charges of public violence were treated as heroes by a certain section of the community.

## Transkei

The court also took into account evidence that organisations were getting people out of the country. Mr Botha said Transkei was only a three hour drive from Port Elizabeth.

Mr Botha said the men had nothing to lose except a 2½ year jail term if they fled. He said the State had proved that there was a reasonable chance of them absconding.

At an earlier hearing both men told the court they would return to serve their jail sentences if released. They said they would not consider leaving the country.

Mr P. Crous appeared for the State.

## New hospital

HERALD  
CORRESPONDENT

DURBAN. The Department of Bantu Administration and Development has called for tenders to complete the Umlazi Hospital, which was abandoned in skeleton form by the Government because of lack of funds.

## Woman on arson charge

HERALD REPORTER

MISS Nomvula Malo, 21, of New Brighton, appeared briefly in a Port Elizabeth Magistrate's Court yesterday on a charge of arson.

Miss Malo allegedly burnt the house of Mrs Margaret Jorha, in New Brighton on December 17.

She was not asked to plead and no evidence was led. She was remanded in custody until January 16, for trial in a Regional Court.

Mr F. van Wyk was on the Bench and Mr V. Neethling appeared for the State.

Miss Malo was not represented.



# Two more held on perjury charges

By KEITH RANDLE

FIVE OUT of six State witnesses who have given evidence about alleged incitement before a Port Elizabeth Regional Magistrate, this week have been arrested by police on charges of perjury.

Yesterday, on the third day of a trial in which Mr Monde Spier, 23, Mr Vusumuzi Mahejana, 21, and Mr Tezamide Botha, 27, appeared on charges of incitement to public violence, two State witnesses, Mr L. W. Mti, 21, and Mr L. T. Nyathi, 27, were arrested after giving evidence.

Two other State witnesses were arrested after giving evidence on the opening day of the trial and a third was arrested on the second day.

## Concert

All said they had made statements under duress after police interrogation.

The State alleges that the three accused made inflammatory speeches at a fund-raising concert at the Rio Cinema, New Brighton, Port Elizabeth, on October 23.

The first witness yesterday, Mr Mti said that Mr Botha, one of the accused, told the audience at the concert not to burn suspected shebeens in the township unless there was proof that liquor was being sold. He also told the audience to leave the concert peacefully.

At a later stage, another accused, Mr Mahejana, told the audience to attend the trial of pupils appearing at the Algoa Park Police Station the following day.

At the police station they were to call for the release of pupils in custody.

Mr Mahejana also said they should not make purchases in town but should support shops in the townships.

He then gave a Black Power salute and the audience responded by raising clenched fists. Mr Mti said

Cross examined by Dr W. E. Cooper, SC, (for the defence) Mr Mti said he was arrested at about 4am on October 24 and taken to the Algoa Park Police Station.

There in an office he was made to sit on the floor with his legs under a chair.

A policeman sat on the chair with his feet on his (Mr Mti's) knees while other policemen surrounded him. Each had a piece of pipe in his hands.

"I was terrified. They asked me if I would talk or if I wanted to be interrogated. I talked and when I stammered, I was hit on the head," Mr Mti said.

## Promised

Mr Mti said he made a statement nine days later on November 2 after being promised by the police that he would be released.

In reply to a question by Dr Cooper he said that at that stage he was "prepared to swear to anything" that would secure his release.

Mr Nyathi, the second witness yesterday, said that several inflammatory speeches were made at the concert, but he could not say who had made them.

He had not been in the hall at the time, he said.

At the end of Mr Nyathi's evidence, Mr P. Crous (for the State) said that what he (Mr Nyathi) had said in court was in "complete conflict" with a statement he made to the police.

Under cross examination, Mr Nyathi said the statement was made by a Mr Nel, a policeman, and that most of its contents were false.

He said he signed the statement on his 10th day in detention after Mr Nel told him he would go to jail for an indefinite

period if he did not sign.

Both Mr Mti and Mr Nyathi were arrested after giving evidence.

The trial will continue on Wednesday.

Mr J. B. Robinson was on the Bench. Dr Cooper was instructed by Mr H. Fischat and associates.



# Nat group puts on the pressure

Tribune Reporter

THE NATIONAL Party caucus's Justice Group will be considering legislation which will effectively put a stop to money coming into the country for legal aid purposes.

NP sources said this week there was a good chance that the legislation would be introduced during the coming session of Parliament.

It is believed that information during the past fortnight about money entering the country for "political" cases has added fresh impetus to the inquiry.

It was reported on December 22 that a Washington group, the South African Project of the Lawyer's Committee for Civil Rights Under Law, has pumped more than a million rand into South Africa for legal fees in so-called "Black consciousness" cases.

The project reportedly operates through three South African lawyers and has been and involved to some extent in a number of political cases.

The influential American newspaper, the Washington Post, reported that the project had paid for part of the legal cost of the Biko hearing in Pretoria.

The Project also allegedly carried the bulk of the costs of the Saso trial, and an American political scientist who is an expert in revolutionary tactics, Professor Ted Gurr, was flown out to observe and give evidence in the trial.

The Project has also released financial reports of its activities, and in these reports there are entries which show that money has come to the attorneys handling the affairs of the Rev Boyers Naude, Mr Peter Randall and Mr Danie van Zyl, all of the now banned Christian Institute.

In the reports the Project also claims to have put up much of the money for the Swapo trials in South West Africa.

## Contact

The US Secretary of State, Mr Cyrus Vance, is listed as having been a member of the board of trustees of the Lawyers' Committee in 1976.

The Lawyers' Committee was started by President John Kgunedy.

The Afrikaans newspaper Beeld, without quoting sources, reported recently that the salaries of the 497 teachers who resigned in Soweto late last year were being paid by American money as well.

The newspaper said in its report that the payment of the teacher's



JOHN REES —  
'we decide'

the amazing bits of information which have come to light recently about strong overseas support for anti-government and black power groups and individuals."

Beeld also claimed that a Johannesburg attorney, Mr Shum Chetty, was the "contact man" for the American funds in South Africa, which were being channelled to the Soweto Teachers Action Committee.

This week, the Vice-Chairman of the Teachers Action Committee Mr N. J. K. Molope, said these allegations were "absolute nonsense and sensationalism."

He denied any knowledge of the alleged contributions from the US.

The South African Council of Churches has said that it paid the Biko family's expenses, which amounted to "about R75 000".

## Decides

The SACC's Acting General Secretary, Mr John Rees, said that the SACC had started the Asingeni Fund on the day the Soweto riots started in 1976.

Funds were received openly from local and overseas sources, Mr Rees said.

"At the present time funds have been accepted only from Christian churches inside South Africa and overseas, he said.

Mr Rees also said the Asingeni Fund had helped in more than 1000 cases large and small.

The SACC had also been involved in the majority of the inquests into deaths in detention which have taken place since June 1976.

Funds which came to South Africa for the Asingeni Fund were not earmarked in any way, and only the SACC decided how its funds were to be spent, he added.



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