

Life in the deep Transvaal

DAISI

Driefontein during the year after Saul Mkhize died — as told to our members and field workers

April — Some time before April 2, the police came one evening to the house where **Lina and Philemon Mzizi** lived. They searched the house for dagga and did not find any. Mr Mzizi then said he wanted to go outside, to the lavatory. A policeman went with him. Shortly after that Mrs Mzizi heard two shots (at about 8 pm). She stayed inside. At about 10 pm the police came inside and told her she must come with them in the van. She got into the back of the van and found the body of her husband. She felt him and he was dead.

When they got to the police station (Amersfoort) she asked the police about her husband and they said they were taking him to hospital. She was locked up for a few days. Then she appeared in court in Amersfoort. In Court a small boy from Daggakraal answered some questions. Then the magistrate spoke to her. When he discovered that she didn't know what had happened to her husband but she believed that he had died, he was angry with the police and stopped the case. She was left to go free and has never heard of any follow-up action since then.

In May — **Mr Timothy Themba Manana** and his father **Mr Absalom Manana** were arrested as stock theft suspects and interrogated at the Dirkie'sdorp police station. Timothy Manana was later found dead in his cell. He and his father had been assaulted and given electric shocks. The four policemen involved were charged with murder and attempted murder. On April 4, at the Volksrust Circuit, Mr Justice JOP de Villiers, found the policemen could not have foreseen the death of Mr Timothy Manana as a result of their assault on him. He said the electric shocks had been administered by a 'low intensity apparatus.'

Warrant Officer Gert Johannes Coetzee, for his assault on Mr Timothy Manana, was sentenced to three years imprisonment, suspended for five years and fined R1 000 (or one year).

Warrant Officer Christo Hattingh (33) received a three-year sentence suspended for five years and fined R1 000 (or one year) for assaulting Mr Timothy Manana. He was sentenced to another three years, suspended for five, for the assault on Mr Absalom Manana, with no fine.

Constable Dirk Kruger (19) was sentenced to three years suspended for five years and fined R500 (or six months) for assaulting Mr Timothy Manana. He was given three years, suspended for five, for this assault upon Mr Absalom Manana.

A fourth man, a black constable, was found not guilty and discharged.

Slamming the sentences, a Sash press statement says:

'The sentences seem startlingly low. One would hope that the Commissioner of Police will now reassure the public by announcing that all the policemen concerned, who are clearly totally unfit to be policemen, will be forthwith expelled from the force and never employed again as policemen.'

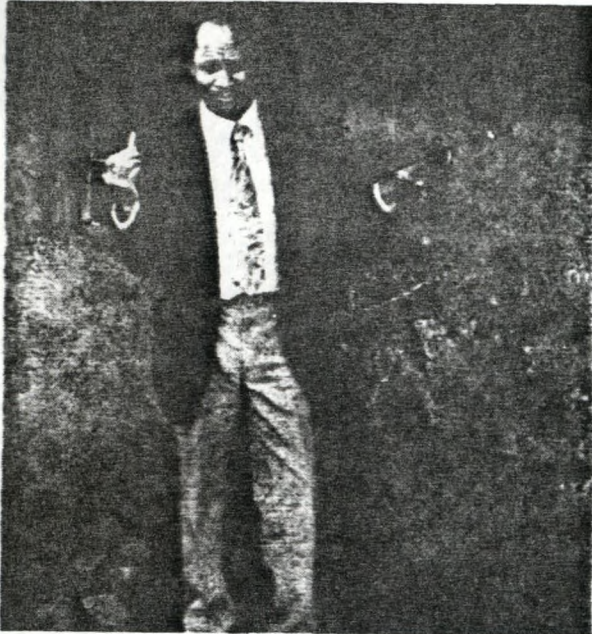
In May — **Zaphaniah Sibanyoni** was arrested at the same time as Timothy Manana. He was taken into custody by the police on approximately May 2, and died in the cells at Dirkie'sdorp police station on May 4. His parents were informed some time later but were not told where his body was, and eventually with Sash help they engaged a lawyer to help them find their son's body. The lawyer, Cathy Satchwell, eventually discovered that the body had been brought to Johannesburg where a post mortem had been conducted and that the body had then been returned to a town where, in fact, neither the deceased or his parents lived.

In his post-mortem report Professor Scheepers concluded that the cause of death was possibly an epileptic seizure. His family were surprised at this conclusion and said he had never suffered from any sort of seizure. A private post mortem was arranged, from which Dr Jonathan Gluckman concluded, 'It is difficult to explain the incised wound on the left eyebrow and the fresh abrasions in that region. No comment has been made regarding the possible age of the abrasions proximal to the right index and ring fingers. Presumably this description applies to the back of the hand. . . . While one cannot exclude the possibility of death being due to an epileptic seizure, there is no definitive evidence whatsoever of this.'



*Zaphaniah's parents : Mgoti and Tabita Sibanyoni
photo: Ingrid Hudson*

Consequently Ms Satchwell has written to the Deputy Attorney-General of the Transvaal, Adv D'Oliveira pointing out that Timothy Manana had also been arrested at the same time as Sibanyoni, had been detained at the same police station and had died at approximately the same time.



Holding up the bullet casing Shadrack Nxumalo points to the bullet hole in the wall of his house

In October — Shots were fired into the house of Mr Shadrack Nxumalo, a teacher on a mission school and part of a community in the process of being ejected from a white-owned farm. The community were refusing to move because they believed they had a legal right to remain, and farmer Dietrichs had begun to eject them forcibly. Mr Nxumalo reported to the police that he had seen Mr Dietrichs walking away from his house after it had been hit by two bullets. The police had confiscated his gun but taken no further action.



Nobathakathi Mavimbela.

photo: Gill De Vlieg

DAISI

THE MAVIMBELA'S — a story of Everyman

In October — Mr Mandla Elphus Mavimbela was shot and killed by a farmer, Mr J Delport who had accosted him and accused him of trespassing across his farm. Mr Delport told the Court that he had fired three warning shots with his revolver, one of which hit and killed the horse. He testified that he had his finger on the trigger when he stumbled over a rut in the road. The gun went off and Mr Mavimbela collapsed.

The magistrate Mr J D Jaquary ruled that Mr Mavimbela's death was accidental, although Mr Delport had pleaded guilty to culpable homicide. No alternative charges were put. Mr Delport told the Court that trespassers had pushed his fence down and opened the gate between his farm and his neighbour's. (From a report in The Star, March 23 1984). The proceedings took one morning.

Mr Mandla Mavimbela worked on a farm in the Wakkerstroom district. His family lived with him and he was allowed to grow crops and keep some cattle. On Sunday October 9 1983 he went on his horse to go and look for another farm on which to live. He did not return on Sunday night. On Monday morning the police from Wakkerstroom came to Mrs Mavimbela and asked her where her husband was. They said she must come and look in the van — and in the van they showed her her husband's body. The next day at the Wakkerstroom police station they told her what they believed had happened, having taken a statement from the Delport's.

The Delports, father and son, work on a farm owned by a Mr Killelan (our field worker could not quite catch the name). They knew that black people used to cross the farm. So on Sunday December 9 they decided they would both sit on the stoep of their house and wait for the next person. They saw Mr Mavimbela on his horse in the road and presumed he had crossed the farm. They shouted to him to stop so they could talk to him. He didn't answer. They shouted again, he didn't answer. They shot him when he began to move off. They shot from behind him and the bullet went through his buttock. Another bullet went into the side of the horse. They loaded his body into their bakkie and took him to the police at Wakkerstroom.

The police told Mrs Mavimbela she must bring money for a coffin. She said she had no money. The police told her she must go and ask the Delports for a coffin, and subsequently delivered her husband's body to her house. The family went to see the Delports who gave them money for a coffin and food and mealie meal. On November 4 Mrs Mavimbela went to the Delports to ask for help with ploughing, explaining that since her husband was dead she had no means of ploughing and she was asking for help from the people who had killed him. Mrs Delport replied, 'I don't want any of this talk. If your husband had been killed by lightning, would you ask the lightning to plough your fields.'

DA 151

**The structure of the law is loaded against
blacks (Nic Haysom) so, increasingly:**

Threatened communities get together

**More than 50 delegates from all over the
Transvaal attended a weekend seminar
organized by the Black Sash at St Ansgars,
Johannesburg in October, 1983**



'The struggle against forced removals is a struggle for the people facing removals and not for the lawyers' said Legal Resurces Geoff Budlender at the seminar

Collection Number: AK2117

DELMAS TREASON TRIAL 1985 - 1989

PUBLISHER:

Publisher: **Historical Papers, University of the Witwatersrand**

Location: **Johannesburg**

©2012

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 the collection records 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 private collection deposited with Historical Papers at The University of the Witwatersrand.