

THE SOUTH AFRICAN COUNCIL OF CHURCHES

ASINGENI REPORT NO.15

The recipients of this report will in fact be very tired of reading that the South African Council of Churches had hoped to wind down the activities of the Asingeni Relief Fund which came into being after the 30th June, 1976. However, the situation is in fact extremely complex in that it has not ever really quietened down since then and the calls on the Asingeni Relief Fund have grown from day to day. Whilst it is true to say that the Fund does not cater for the larger trials, it has, nonetheless, become involved in some of the most significant trials taking place around the country at the present time.

Since our last reporting, two major areas have developed into which we have had to throw our resources:

1. In the Northern Transvaal, in the Venduland area, where we have had to become involved in a significant number of cases involving students; and
2. In the Port Elizabeth area, where traditionally we have been unable to obtain the services of attorneys but now luckily located two firms of attorneys who are prepared to assist us in the many complex cases that have arisen as a result of student unrest.

We are, therefore, very grateful for the continued strong support that we have received for the work of the Asingeni Relief Fund and feel slightly embarrassed that we have for so long predicted that the fund would wind down. It now appears to those of us who are involved that it will be a long time before this fund in fact winds down altogether.

In presenting this report to you, which is in fact a very large report, I am endeavouring to give you a picture of the various facets of the work of the Asingeni Relief Fund. As we write to you we are overdrawn by almost R150.000 which is not an enviable position to be in at all. However, the resources of the Asingeni Fund have been stretched to the limit in that we decided at one stage to pick up some of the assistance under a special program which we entitled Special Relief that was relief to persons working for organisations which were banned on October 19th. Whilst we did raise a significant sum of money under that heading it was certainly not enough to cope with all the expenditure in that area and the sum of R30.000 was given by the Asingeni Fund to the Special Relief Fund in order to cope with the situation. We are, therefore, happy to present the following report to you which takes the traditional method of reporting for the Asingeni Relief Fund:

1. A document indicating the Income received from the 1st January, 1978 until the end of February, 1978, as well as a document indicating a broad outline of the expenditure from that particular account.
2. We enclose the Annual Report of our Cape Town Dependents' Conference Office which is the office which handles the work of Asingeni in Cape Town.
3. We attach a document from Shun Chetty and Co. in which he reconciles the amounts of money paid to him under the Asingeni Relief Fund and this is for the purposes of those of you who are keeping track of the funds that you have disbursed.
4. We attach a schedule of the names and addresses and cause of death of the students who were shot in the Port Elizabeth student unrest. Other such details are due to follow shortly.

5. We attach a report from Shun Chetty & Co. together with documents relating to the accused and the charges that they are facing which gives you a good idea of the manner in which the cases are being conducted and what level of success we are achieving.
6. A report on a case which received wide publicity in South Africa and that is a number of people who went to sing at the John Vorster cells at Christmas time. These persons have now been acquitted and attached is a brief report from our attorneys Messrs. Bowens relating to this matter.
7. A letter giving an indication of the number of cases now handled by an organisation known as Selwyn, Solomon and John D. Jackson in Port Elizabeth and their report is also as self-explanatory and this will give an indication of the growing number of cases which we have been handling in the Port Elizabeth area.
8. An extract from a cutting from the Eastern Province Herald of Friday, 27th January, 1978 indicating two cases handled by the Port Elizabeth attorneys, which I believe, are of interest.
9. A selection of cuttings relating to the Port Elizabeth cases which are sent to you for your information.
10. A report on the inquest of the death of Martha Sileke which is another inquest which has been funded by the Asingeni Relief Fund and I believe that this report is of interest.
11. A report from Buchanans in Cape Town giving an indication of the type of on-going work which we are involved in in Cape Town.
12. A total reconciliation received from Bowens of all the money that they disburse on our behalf to legal groups throughout the country.

We take this opportunity of indicating to you that we have a very large selection of material which could be sent on to you but have chosen those areas which give you an indication of what is happening in the Asingeni Relief Fund with the hope that this will be sufficient for the records that you are required to maintain and also give a clear indication as to the manner in which your money is being spent.

Once again we take this opportunity of thanking you most sincerely for all the support that you have given to the Asingeni Relief Fund over a long period. This has been incredibly important and we would like you to know how much we appreciate it.

Since this will be my last report to you in the name of the Asingeni Relief Fund as I am now relinquishing my duties in this particular fund and handing over the responsibility to Bishop Desmond Tutu, who is the new General Secretary of the South African Council of Churches, I would like to take this opportunity of thanking so many of you for the manner in which you have supported us and for the strong personal encouragement which you have given me.

With warm Christian greetings,
Yours sincerely,

John C. Rees
Consultant

AMOUNTS RECEIVED BY ASINGENI
RELIEF FUND 1976

Received: R379 133,00
Paid out: R362 873,00

AMOUNTS RECEIVED BY ASINGENI
RELIEF FUND 1977

Received: R534 454,00
Paid out: R514 168,00

THIS YEAR'S REPORT COVERS A PERIOD OF SUSTAINED AND GROWING ACTIVITY

1. ASENGENI RELIEF FUND.

This fund was started in June 1976 to assist the victims of the disturbances in that year. The S.A.C.C. showed a real understanding of the most urgent needs in such a situation and offered help in three fields - funerals, legal expenses and maintenance. Bail was soon added to the list. In Cape Town the rioting started on 11th August, 1976. We offered help through the local press and although the response was slow initially, by mid-September we began working with young people resident in the townships, who has formed their own groups. Over Christmas 1976 riots occurred in Nyanga between migrants and the local residents and it was decided also to assist the victims from this fund.

Involvement in the work of the Asengeni Relief Fund has been heartbreaking, full of learning and full of new human relationships. People of all races have been assisted. We were asked to close this fund at the end of August.

- (a) LEGAL ASSISTANCE : From the beginning of the year until the end of July we continued to refer cases to attorneys under this fund. The number involved was 160. Most of these have been completed, two are awaiting judgement and a number are on appeal. Of the cases completed over 75% were either discharged, acquitted or the charges were withdrawn.
- (b) BAIL : We continued to assist with bail, mostly paid from funds loaned by the Black Sash, Board of Social Responsibility and friends. Lagunya - a local organization - were also helpful in this area of our work. We are most grateful to them all. Of our own funds loaned for bail only R190,00 is still outstanding. R900,00 has been lost through ~~misappropriation~~ misappropriation by persons cashing bail bonds. The S.A.C.C. refunded all sums which had come from other organizations or individuals.
- (c) FUNERALS : We assisted with part payment towards 28 funerals, most of these being victims of the Christmas riots. Lagunya (an ad hoc committee of concerned people in the township) paid R50,00 of the R160,00 grant. The last funeral payment was made in February.
- (d) MAINTENANCE : We continued to pay maintenance to a diminishing number of families. Some received grants from the Department of Coloured Affairs and others recovered from their injuries and were able to return to work. When Asengeni closed down we were still assisting 15 families.
- (e) RENT, HIRE PURCHASE AND EDUCATIONAL AND MEDICAL EXPENSES were paid where necessary.

I think it is fair to say that without the assistance offered by the Asengeni Relief Fund the suffering and hardship experienced would have been even greater than it was.

2. CAPE TOWN DEPENDANTS CONFERENCE SPECIAL RELIEF FUND.

This fund was started at the beginning of September at a local level, to continue assistance for the remaining 15 families and many possible new ones, who would not qualify for relief from ordinary D.C. Funds. These are families whose bread-winners were either shot or badly injured during the disturbances. In most cases rent is also paid over and above the monthly grant, which is on the same scale as ordinary D.C. grants, i.e. a maximum of R27,00 per month.

3. FUND RAISING :

The money to assist the above families has been raised locally through Churches or individuals and due to the efforts of Jerome Jasson. 12 families have been adopted on a regular monthly basis for a year. Other sums have been outright donations, and from the end of September till the end of the year we had received R3,936,79. This growing local support at a personal level is very heartwarming. This fund-raising venture

was launched with the blessing and full co-operation of the W.P.C.C. We are most grateful to them for their support - both moral and financial in all areas of our work.

4. TRANSKEI :

Mr. Msoki was finally released from detention in Umata in June after over a year in detention. After a holiday he started working for Dependants Conference in the Border Area. Mrs. Plaatjies continued to work for us till the end of September. In October our work in that area was handed over to the Rev. T. Mbabane, Chairman of a new and active committee up there. A new field worker is to be appointed and Dependants Conference Transkei work is at last being administered and carried out on the spot and not from 700 miles away.

5. ECUMENICAL TRUST FUND :

This fund gives assistance to families of detainees, banned persons and persons awaiting trial, where needed. It does not give long term assistance and the grants have to be reviewed regularly. At the end of 1977, six families were receiving help from this fund.

6. DETENTIONS :

The number of young people detained during this year, and held under Section 6 of the Terrorism Act has been cause for much anxiety. Children as young as 11 years of age have been arrested. About 150 detentions during the year were referred by the office to attorneys. At the end of the year 21 were still being held. Little can be done to help these families. To the best of our knowledge visits are not permitted, but clean clothes will be accepted weekly by the authorities. We try to keep in regular contact with the families and our field worker visits them weekly. It is about the only support we can try to give them during this time of trial and tribulation. We have assisted other organizations with facts and figures (as far as we know them) in order to have as wide a strata of publicity as possible. This includes N.C.W., Institute of Race Relations, Black Sash and the Pross. Copies of three birth and baptismal certificates of children under the age of 16 were sent by John Rees to the National Council of Child Welfare requesting them to take up this matter.

7. VISITS TO ROBBEN ISLAND.

This aspect of our work has increased greatly during the year, due to the number of convictions since the disturbances. 67 people have been helped in some way by this office to visit relatives (this includes three visitors from Ovanboland). Only 1st degree relatives are permitted visits and only one per month. Dependants Conference can only afford to pay for one visit per year, but some families manage to raise the funds for additional ones. Dependants Conference workers meet visitors at the station or airport, arrange accommodation when required (we now pay R2,00 per day) and drive visitors to and from the docks to catch the ferry boat. We consider this to be a very necessary service (most especially for new visitors) even though it is a costly one. To travel from the local townships to the far end of Cape Town docks by 8 a.m. is a hazardous undertaking and if the ferry is missed there is no second chance. The Authorities are helpful and considerate over the granting of permits.

8. OFFICE MOVE :

It was a sad blow when the banning of the Christian Institute on October 19th and subsequent taking over by a liquidation of the building, made it necessary for us to move. We had worked there since 1971. We were fortunate to find a suitable office only two doors away at the Institute of Race Relations and we moved in at the end of the year.

9. SOUTH AFRICAN PRISON EDUCATION TRUST :

I represent Dependants Conference on this trust, and their secretary is a member of our committee, so there is a close link.

Continued... Page 3... We now

We now try to arrange for every visitor to Robben Island to be taken to the SAPET office.

10. JOHANNESBURG D.C. SPECIAL RELIEF FUND.

This fund was started in October and we were asked by Johannesburg to make a number of payments to people affected by the bannings.

11. FOREIGN AFRICANS :

We continue to assist these elderly gentlemen, who belong nowhere, with a weekly Kupugani Food parcel and a cash grant. The number at the moment is 9.

12. ORDINARY DEPENDANTS CONFERENCE CASES.

At the moment there are only two of these as our big case load in this field was in the Transkei. Unless there are a lot more convictions of breadwinners this is unlikely to increase. As the vast number of persons charged during the disturbances were young, ordinary Dependants Conference assistance is not required. At a national meeting in October, it was agreed as a matter of urgency, that allowances should be raised to a maximum of R33,00 starting at R21,00 and not R15,00 as soon as funds become available and increased still further when funds allow. It was further agreed, that the maximum earnings allowed to recipients of Dependants Conference grants be raised from R50,00 to R75,00 as soon as funds become available to cope with the increased number of applicants this would mean. It is hoped that funds will permit a R3,00 a month increase to every family from January, 1st 1978. Another decision was to stop assisting with the education of the children of prisoners and ex-prisoners and to divide the funds available, which will be a further R3,00 increase per month.

13. STAFF :

Jerome Jasson was with us all year, and we are happy to report that he became a permanent employee of the S.A.C.C. as from December 1st. He has done a great job co-ordinating and carrying out all facets of our work. Nononde Mbunye, who was employed by Sekunyehani, joined the staff part time in June. Her salary was sponsored by a donor. She has been the field worker keeping in regular touch (weekly) with the families of detainees and visiting the Ecumenical Trust Fund and Dependants Conference families we assist. She also acts as interpreter for attorneys. She has done a splendid job and will become a full-time member of our staff in January, 1978. David Viti continues to do good work, especially in the area of visitors to Robben Island - transporting them and arranging and giving accommodation.

14. COMMITTEE :

With the October bannings we lost two most valued members of our committee, David Russell and Theo Kotze. David Guma has been transferred to Ciskei and is a further loss. We are trying to replace these losses. COMMITTEE: Rev. D. Adendorff, Mrs. D. Andrews, E. Helfet, M. Henderson, J. Jasson, Rev. W. Mabuza, Miss. N. Mbunye, Most Revd. R. Selby Taylor, Mr. D. Viti, Mrs. A. Whisson and Dr. O. Wollheim.

I would like to thank the committee for their unfailing support and active help over the year.

15. CONCLUSION :

I wish to say two things. As always, a big thank you to all our donors - local and overseas - who make this work possible. Secondly a very sincere work of gratitude to John Rees, for his endless support, encouragement and ability to find funds. We, indeed, felt lost during the times he was not at head office this year.

SHUN CHETTY and Co.

Your ref:

Our ref: Mr Chetty/IK/S26

ATTORNEYS

Suite 28 Grand Bazaar - ~~KXXXXXX~~
Oriental Plaza
Fordsburg 2092
REPUBLIC OF SOUTH AFRICA
Telephone 834-3276/7

*File Assengeni
Report No 15.*

18th February, 1978

Mr J.C. Rees,
South African Council of Churches,
Diakonia House,
80 Jorissen Street,
BRAAMFONTEIN,
Johannesburg,
2001.

Dear Sirs,

Re: ASSENGENI RELIEF FUND

We hereby reconcile the present financial position with regard to our sixth, seventh and eighth reports to you. We trust the previous position vis a vis the Assengeni Relief Fund with regard to our first to fifth reports are all in order apropos the financial position.

Sixth Report : 9th July, 1977	:	R11 716,12
Seventh Report : 13th December 1977	:	R55 388,23
Eighth Report: 18th February, 1977:		12 ⁹¹ 494,50

Payments

(1) 12th August 1977

Payments for Sixth Report plus credit balance on trust R20 000,00

15th December, 1977:
Part payment of Seventh Report 50 000,00

20th December, 1977
Balance of payment of Seventh Report 5 388,23

2nd February, 1977
Payment on trust 6 000,00

81 388,23

R81 388,23

Total for Sixth, Seventh and Eight Reports

~~79 598,85~~
80 018,85

Balance to your credit

~~1 789,38~~
1 369,38

Accordingly we hold in trust to your credit in the Relief Fund the above calculated amount of R 1 789,38


We are preparing the ninth report for you and in due course shall account to you further.

Kindly let us know if these figures reconcile with yours.

Kindly acknowledge receipt.

We shall be pleased to hear from you in due course.

Yours faithfully,



SHUN CHETTY AND COMPANY.

ANNEXURE ASINGENI REPORT NO.15DEATHS AT PORT ELIZABETH

<u>Name</u>	<u>Age</u>	<u>Occupation</u>	<u>Address</u>	<u>Cause of Death/Injury</u>	<u>Date:</u>	<u>Aid</u>
Mtutuzeli Mayitshe	20	Scholar	57, Gratton Road, New Brighton.	Bullet wounds - dead	25.12.77	R120 Funera
Mongezi Khomo	16	Scholar	216, Connacher Street, New Brighton.	Bullet wounds - dead	27.12.77	R120
Sisa and Stewart Mali	26 17	Both working	24, Kula Street, Zwide.	Bullet Wounds - dead	26.12.77	R120
Mteteleli Tshikila	22	Labourer	222, Mendi St. New Brighton	Bullet Wounds - dead	6. 1.78	R140
Mtobeli Austen Deliwe	20	Seeking Work	1468, Site & Service, KwaZakhele	Bullet Wounds - dead	7. 1.78	R113
Alfred Nzwabantu Gwaxula	18	Labourer	46A Red Location, N. Brighton	Bullet Wounds - dead	8. 1.78	R145

Injury

Mrs. Mahanjana legal aid) for 2 sons detained	27 20	Playwriter scholar	51, Aggrey Road, New Brighton	detained - charged with encitement and burnings	27.2.78	legal aid
Mrs. Spiers legal aid for son Monde	21	Working	92, Masangwana St. New Brighton	charged with encitement	27.2.78	legal aid
Solly Koloi	33	Working S.A.R.	3, Msimka St. New Brighton	injured - bullet wounds	13.10.78	R168.

SHUN CHETTY and Co.

Your ref:

Our ref: Mr Chetty/IK/56

ATTORNEYS

Suite 28 Grand Bazaar - ~~XXXXXX~~
Oriental Plaza
Fordsburg ~~XXXX~~ 2092
REPUBLIC OF SOUTH AFRICA
Telephone 834-3276/7

8th February, 1978

Mr J. Rees,
The South African Council of Churches,
PO Box 31190,
BRAAMFONTEIN,
2017.

For the personal attention of Mr J. Rees

Dear Sir,

Re: STATE vs NKOSI, GAZI AND NONKASA

We refer to previous correspondence in this matter and more particularly your letter to us of the 5th July, 1977 wherein you stated that your Mr Rees was able to fund this matter through a separate source to a limit of R6 000,00.

The position to date is that the trial has proceeded and we have about another week of trial left starting again on the 4th April, 1978.

Accused number one, and number two, that is Edward Vusi Nkosi and Anthony Mabelandize Gazi have already been acquitted of all charges in this matter and are free. The third accused, Patrick Nonkasa has not yet been acquitted and we are proceeding with him alone during April of this year.

We successfully applied for the discharge of the two at the end of the State case and this was granted.

We note your strict limitation of R6000,00 in this matter and we shall be pleased to receive this amount as soon as possible as Counsels' fees are due already in this matter.

We send you herewith a copy of the charge sheet in Afrikaans in this matter together with a loosely translated English version thereof together with the Request for Particulars in English and the reply of the Particulars in Afrikaans.

We also send you herewith detailed accounts in this matter which considerably exceed the R6 000,00 limit and once you have paid this amount to us of R6 000,00 we will endeavour to raise the balance of the funds through other sources.

We look forward to hearing from you as soon as possible.

Yours faithfully,

A handwritten signature in dark ink, appearing to be a stylized name, possibly 'Shun Chetty', written over a horizontal line.

SHUN CHETTY AND COMPANY.

Encl.

STATEMENT

8th February 1978

Mr J. Rees,

South African Council of Churches,

PO Box 31190, BRAAMEFONTEIN, Tvl.

SHUN CHETTY and Co.

ATTORNEYS - AT - LAW - ADMINISTRATORS OF ESTATES

Suite 28 Grand Bazaar Oriental Plaza Fordsburg 2033 - P.O. Box 028 - Republic of South Africa - Telephone 834-3276/7

Re: STATE vs VUSI NKOSI and TWO OTHERS

	(i) <u>Mr A. Mendelow QC</u>		
1977			
Oct 13	Consultations in Pretoria	R500,00	
14	Trial	1 500,00	
17	Refresher	750,00	
18	Refresher	750,00	
19	Refresher	750,00	
20	Refresher	750,00	
26	Refresher	750,00	
27	Refresher	750,00	
28	Refresher	750,00	
31	Refresher	750,00	
Nov 1	Refresher	750,00	
23	Refresher	750,00	
24	Refresher	750,00	
			R10 250,00
	(ii) <u>Mr M.S.M. Brassey</u>		
July 1	On Consultations	90,00	
13	On consultations	75,00	
27	On Consultations	75,00	
Aug 29	On postponement	75,00	
Oct 31	On trial	1 000,00	
	" " (2½ weeks)	1 625,00	
Nov 25	On trial	325,00	
Jan 25	On trial (7 days)	975,00	
			R4 240,00
	(iii) <u>Lubbe Recordings</u>		
	Transcript of record	R1 761,20	

(iv) Shun Chetty and Co

On consultations with accused - Pretoria;
on trial; preparing; instructions to
Counsel; briefs; precognition of witnesses
etc

R4 500,00

(v) Photocopying

360,00

(vi) Travelling

210,00

(vii) Postages, petties, telephones etc

180,00

TOTAL

R21 501,20



IN THE SUPREME COURT OF SOUTH AFRICA

TRANSVAAL PROVINCIAL DIVISION

THE STATE versus

1. EDWARD VUSI NKOSI
2. ANTHONY MABELANDIZE GAZI and
3. PATRICK NONKASA

(hereinafter referred to as the accused)

THAT the accused are guilty of the crime of PARTICIPATION IN TERRORISTIC ACTIVITIES IN CONTRAVENTION of SECTION 2(1)(b) READ TOGETHER WITH SECTION 1, 2(2), 2(3) 4 and 5 of ACT no 83 of 1967.

IN THAT during or about November 1976 and at or near Soweto in the district of JOHANNESBURG and/or on the road between Soweto and BREYTEN in the district of ERMELO, the accused unlawfully attempted and/or took steps to undergo/receive training which would be of use to a person intending to endanger the maintenance of Law and Order, to wit, military training.

AND/OR IN THAT accused numbers 1 and 2, acting in pursuance of a common purpose, during or about November 1976 and at or near SOWETO in the district of JOHANNESBURG and/or near TEMBISA in the district of KEMPTON PARK and/or on the road between TEMBISA and BREYTEN in the ERMELO district, incited, instigated, commanded, aided, advised, encouraged and/or procured one or more of the persons named in Annexure A and/or Annexure B hereto in one or more of the manners set out in Annexure C hereto, to receive military training which would be of use to a person wishing to endanger the maintenance of Law and Order, to wit, military training.

ANNEXURE A

MICHAEL TONXO MAHALA

VUSIMUIS SITHOLE

VINCENT BONELE MANJANJA

ZAMA THEMBA NTSHWANTI

TERENCE WINKIE VILAKAZI

MORGAN NTELESI ZOLILE

ANNEXURE B

JOHANNES MAHLANGU

ELIAS DINTOA

ISAAC MOKIRI TSHETLO

HOPE MONGEZI MAPHUTI

FREDDIE BALOI

REGINALD KHUZWAYO

SIBISISO SAMUEL MAKHAZA

JAMES BLACKIE SKOSANA

SPHIWE SITHOLE

WALTER MOLOI

JOSEPH MSEBENZI PHOPHOLA XULU

ALBERT SEITSHORIO MODISYANE LENGWATI

OLIVIA KOEKSIE MSIZA

PAULINA SOMO

ANNEXURE C

1. During or about November 1976 and at or near Soweto in the JOHANNESBURG district and on separate occasions, accused numbers 1 and 2 addressed persons listed in Annexure A on military training and incited, instigated, commanded, aided, advised, encouraged and/or procured one or more of the named persons to undergo military training outside the Republic of South Africa with the purpose of returning to the Republic of South Africa and fight against South African forces.

and/or

2. During or about November 1976 and at or near SOWETO in the district of JOHANNESBURG, number 1 accused arranged for the transportation of other persons to Swaziland.

and/or

3. On or about the 15th November, 1976 and at or near SOWETO in the district of JOHANNESBURG, accused numbers 1 and 2 carried one or more of the persons listed in Annexure A in a car for the purpose of transporting them to Swaziland and getting them unlawfully across the border.

and/or

4. On or about the 15th November 1976 and at or near TEMBISA in the district of KEMPTON PARK accused numbers 1 and 2 carried one or more of the persons listed in Annexure B on the road to Swaziland in a car for the purpose of getting them unlawfully across the border into Swaziland.

and/or

5. On or about the 15th November, 1976 and on the road between TEMBISA and BETHAL in the district of BETHAL accused number 2 addressed one or more of the persons listed in Annexure B on military training and incited, instigated, commanded, aided, advised, encouraged and/or procured one of the named persons to undergo military training outside the Republic of South Africa.

and/or

6. On or about the 16th November, 1976 and at or near BRETYEN in the district of ERMELO accused No 1 attempted to arrange for a ^{lift} "geleentheid" from BREYTEN to SWAZILAND for one or more of the persons mentioned in Annexures A and B.

IN THE REGIONAL COURT FOR THE DISTRICT OF PRETORIA

HELD AT PRETORIA

CASE NO. 364/5/1977

In the matter between :

THE STATE

and

VUSI NKOSI

First Accused

ANTHONY GAZI

Second Accused

PATRICK NONKASA

Third Accused

REQUEST FOR PARTICULARS

1. AD FIRST COUNT :

- (a) (i) What, is it alleged, was the nature of the military training which each accused was to receive?
- (ii) Where, is it alleged, was that military training to be received?
- (iii) When, is it alleged, was that military training to be received?
- (iv) From whom, is it alleged, was that military training to be received?
- (b) In what manner precisely did each accused allegedly -

- (i) attempt;
- (ii) consent;
- (iii) or take steps

to receive the military training in question?
The State is requested to furnish sufficient particularity to enable the accused to identify the acts and conduct alleged to constitute the attempt, consent or taking of steps as the case may be.

- (c) (i) To whom would the military training allegedly be of use?
- (ii) In what respects would it allegedly be of use?
- (iii) How would the maintenance of law and order allegedly be endangered?

2. By the use of the words "and/or" between the first and the second count, does the State intend to allege that the accused are guilty of an alternative offence either in law or in fact. If so, full particulars are required of the nature of such offence, in so far as it constitutes a separate offence.

3. AD SECOND COUNT :

- (a) (i) Who formed the alleged common purpose with the accused?
- (ii) When is it alleged that that common purpose was formed?
- (iii) Where is it alleged that that common purpose was formed?
- (iv) What precisely was the nature and extent of the common purpose?
- (b) (i) What, is it alleged, was the nature of the military training which each accused was to receive?
- (ii) Where, is it alleged, was that military training to be received?
- (iii) When, is it alleged, was that military training to be received?
- (iv) From whom, is it alleged, was that military training to be received?
- (c) (i) To whom would the military training allegedly be of use?
- (ii) In what respects would it allegedly be of use?

- (iii) How would the maintenance of law and order allegedly be endangered?

4. AD ANNEXURE "C" :

(a) AD PARAGRAPH 1

- (i) Where precisely did each incident comprising the occasions referred to allegedly take place?
- (ii) When precisely is it alleged that each such occasion took place?
- (iii) Which accused is alleged to have addressed the persons referred to on each occasion?
- (iv) Who was allegedly present on each occasion?
- (v) Full particulars are required of the actual address which accused number 1 and 2 allegedly gave to the said persons on each occasion.

(b) AD PARAGRAPH 2

- (i) For whom precisely was the transport allegedly to be arranged?
- (ii) What, is it alleged, was the nature of the transport?

- (iii) When, is it alleged, were the persons to be transported?
- (iv) In what respects precisely does this allegation constitute an aspect of the offence referred to in the Second Count? In so far as paragraph 2 on the terms of the indictment alone is alleged to constitute an offence, full particulars are required of the nature of the offence actually alleged to have been committed.

(c) AD PARAGRAPH 3

- (i) Is the conduct here alleged a result of the arrangements alleged in paragraph 2 of Annexure "C"?
- (ii) In what respects precisely does this allegation constitute an aspect of the offence referred to in the Second Count? In so far as paragraph 3 on the terms of the indictment alone is alleged to constitute an offence, full particulars are required of the nature of the offence actually alleged to have been committed.

(d) AD PARAGRAPH 4

- (i) Is the conduct here alleged a result

of the arrangements alleged in paragraph 2 of Annexure "C"?

- (ii) In what respects precisely does this allegation constitute an aspect of the offence referred to in the Second Count? In so far as paragraph 4 on the terms of the indictment alone is alleged to constitute an offence, full particulars are required of the nature of the offence actually alleged to have been committed.

(e) AD PARAGRAPH 5

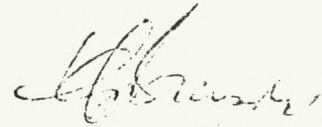
- (i) Whom precisely did accused number 2 allegedly address?
- (ii) Were such persons addressed separately or together?
- (iii) Full particulars are required of the actual address or addresses which accused number 2 allegedly gave to the said persons.

(f) AD PARAGRAPH 6

In what respects precisely does this allegation constitute an aspect of the offence referred to in the Second Count? In so far as paragraph 6 on the terms of the indictment alone is

alleged to constitute an offence, full particulars are required of the nature of the offence actually alleged to have been committed.

DATED at JOHANNESBURG this 13th day of SEPTEMBER, 1977.



M.S.M. BRASSEY.
Counsel for Accused.

MRS. GETWADE NROSI (MOTHER)

1074 ZONDI,

P.O. KWA XUMA

1868.

MRS. RICHARD TUMBAGA NROSI (BROTHER)

of abeni

(1934)

Box 453 KWA XUMA (neighbor)

for messages.

Bowens

Formerly
BOWEN SESSEL & GOUDVIS

ATTORNEYS

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.

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

Atc Angen

OUR REF.: OJB/DJ/vh

YOUR REF.:

23rd February, 1978

Dear Sirs,

THE STATE v. BENITA PAVLICEVIC AND 43 OTHERS : CAROL SINGERS

We refer to previous correspondence in this matter and inform you that Mr. Raymond Tucker has reported to us.

Mr. Tucker was instructed to act on behalf of those (ultimately 14) accused who decided to object to the Charge on the ground that it disclosed no cause of action. When the matter came to trial on the 16th of February the court dealt first with those who had decided to plead Guilty. These accused were found Guilty but were merely cautioned and discharged. In the course of his Judgment, the magistrate was critical of the fact that the accused had been charged at all.

Those who had decided to object to the charge then appeared in a different court. After some delay, the Prosecutor appeared and advised that he had been instructed by the Senior Public Prosecutor to withdraw the charges which he duly did. In the result the matter did not proceed against Mr. Tucker's fourteen clients.

Mr. Tucker has rendered an account in the amount of R326,80 which we forward to you for your consideration. Please instruct us as to whether, under these circumstances, you are prepared to render assistance in this regard.

In our opinion, the amount accounted for is reasonable and we suggest that in the light of the fact that you were prepared to commit yourselves for R1 000,00, the amount of R326,80 be paid by you to Mr. Tucker.

Yours faithfully,
BOWENS

J. Jacobs

DELWYN SOLOMON & JOHN D. JACKSON

DELWYN SOLOMON & JOHN D. JACKSON
SOLICITORS & NOTARIES PUBLIC

Attorneys and Notaries Public

Telephones 46100/46634/414727

OUR REF: MR. JACKSON/LS.
YOUR REF: 7th February, 1978.

Messrs. Bowens,
P.O. Box 6434,
JOHANNESBURG.
2000

Dear Sirs,

re: Criminal Matters.

Further to the above we must advise that we wish to report on the following matters:-

1. POPO BLOM..

In this matter, the accused, a young man, was charged with public violence after various remands and after a bail application was made and refused and after an Appeal had been noted, this matter was eventually brought before Court when the charges against the accused were withdrawn.

The family of this accused have had another child in custody whom the writer defended previously and on this account have only managed to pay an amount of R20,00. Our statement is attached.

2. SAMUEL NJOLA.

The charge against this young man was one of public violence. After taking instructions and appearing at various remands an application for bail was made. This was refused and an appeal was lodged. Before the appeal could be heard however, this matter was brought before the Court and the charges withdrawn due to lack of evidence. His family are in poor circumstances and have made payment of R20,00. Our statement of account is attached hereto.

3. MAYNARD CITWE.

In this matter the accused was charged with public violence. After taking instructions and after appearing in Court at remands, an application for bail was made which was refused.

An appeal was lodged but here, again, before the appeal could be heard the accused was brought before Court and the charges were withdrawn.

The family are of mediocre substance and have paid to date an amount of R70,00. Our statement of account is attached hereto.

.../2....

P.O. Box 1033
Port Elizabeth 6000
First Floor
Barclays Bank Buildings
582-586 Main Street
North End
Port Elizabeth
6001

Report

4. VUYANI BETSHA.

This accused was charged with public violence and as above, after appearing on remand, bail application was made which was refused. An appeal was noted but the accused was brought before Court before the appeal could be heard and the charges were withdrawn. X

In this matter his mother Joyce Betsha had been in custody and the family wherein there are eight children are almost destitute and no payment has been received in respect of this particular matter. Our statement of account is attached.

5. Z. NKATU.

This youth was also charged with public violence. After remand was also involved in a bail application which was refused on appeal. His matter was not proceeded with and he was brought before Court before the hearing of the appeal and the charges were withdrawn due to lack of evidence.

The family are in poor circumstances and an amount of R32,00 has been paid on account. Our statement is attached hereto.

6. VUYISILI MINI & M. PIKOLI.

These two children aged 15 and 16 respectively were charged with arson and the allegation was that they had burnt down a school. On trial, however, it appeared that the only evidence upon which they could be convicted disclosed an offence of trespass. The accused were accordingly found guilty of trespassing in that they were on the school premises without permission to be there and fined R30,00 or 30 days which amount was completely suspended for 12 months.

They had each been in custody for a period of one month awaiting trial. An amount of R20,00 has been paid by the families of the two accused and our statement of account is attached hereto.

In the writer's opinion this was certainly a matter where had there been no legal representation, a plea of guilty to arson would very probably have been obtained from these children. In regard to their financial position, they would not have been in a position to obtain legal representation without the good auspices of the Church Council being received and our statement of account is attached hereto.

7. MPUMZI RULASHI.

The charge against this youth was one of public violence. After taking instructions and appearing at various remands an application for bail was made which having been refused was subject to an Appeal.

However before the Appeal could be heard the State withdrew the charge against the accused. In this matter the family has only managed to make payment of R20 having regard to their financial circumstances. Our statement of account is attached.

8. GLADMAN MANELI

This accused was charged with public violence but from instructions obtained it would appear that the offence disclosed was malicious damage to property. This was accepted by the prosecution. The accused was sentenced to a fine of R75 or 30 days and 12 months imprisonment which was suspended for three years.

As the accused had been kept in custody and as his mother and father are both aged and unemployed, the family has only been able to make provision for R80 fees. Our statement is attached hereto.

9. KENNETH QUALINGA

In this matter the accused was charged with public violence but according to his instructions he had been on his way home when he came into contact with a crowd who had been stoning a police vehicle which had apparently opened fire on the people. The accused in this matter joined in but threw an apple at the police vehicle and was subsequently shot. In the light of this evidence, he was found guilty and sentenced to a fine of R40 or 40 days imprisonment. As this accused is married with a small child and was detained while awaiting trial, he has managed to make payment of R40 and our statement of account is attached hereto.

10. LINDA PETER

In this matter the accused was originally unrepresented. After the State witness, a European policeman, had given his evidence in chief the writer was approached and entered the matter. During cross-examination of the aforesaid witness it became apparent that his memory was not very clear as to when the various incidents had occurred.

The witness' original statement was then handed to him in the witness-box and was allowed to refresh his memory. The statement was made available to the defence and it became apparent to the defence that the witness had strayed completely from his original statement. However, notwithstanding the fact that the said statement had been handed to the witness in the witness-box the Magistrate refused the defence the opportunity of cross-examining the witness on the statement handed in.

It is the writer's considered opinion, having regard to the various authorities, that this was an incorrect decision taken by the Magistrate. The accused was duly convicted and sentenced to two years imprisonment. It is the writer's considered opinion that an appeal should be lodged forthwith and the writer seeks permission from the Church Fund to finance such appeal as the accused is one of twelve children. His mother is a widow and prior to his arrest the accused had a reasonably good job at Ford Motor Company and he is one of three children working who assist in the support of the rest of the family. It is also the writer's opinion that the Magistrate completely misdirected himself and submits with respect that an appeal has a very real chance of success herein.

This family although almost destitute has made every effort to meet its obligations herein. The amount of R45,00 has been paid. Our statement of account is attached hereto.

11. JOSEPH SAWAKU

In this matter the accused was charged with public violence. After various remands the matter was brought before Court and from our instructions and the evidence available the accused was found guilty of malicious damage to property. He was fined R50,00 or 30 days imprisonment and 12 months imprisonment were suspended for three years.

There are 9 children in this family and the father is employed as a tea ~~man~~ ^{MAN} earning R30 per week. To date the amount of R65 has been paid and our statement of account is attached hereto.

12. MDLALO & MAZZOYANA

In this matter the two accused were charged with sabotage. A certificate was obtained from the Attorney General of the Eastern Cape prohibiting bail and the bail application which had been made was then abandoned. After numerous recommendations the State eventually withdrew the charges due to lack of evidence. Both these families are in poor circumstances and particularly the family of Mazozoyana which had other children involved in the unrest. In the circumstances an amount of R30 has been made to date. Our statement of account is attached hereto.

13. HOHO & BANDA

In this matter the two accused, both Bantu youths, were charged with public violence. The charge related to an incident after the Heshu funeral when the police opened fire on mourners leaving the graveyard.

In this particular matter the police alleged that the two accused were passengers on an open van and that they had thrown stones at private vehicles as well as policemen and police vehicles.

The State only called a single witness, although it was common cause that the various other policemen were present at the scene of the incident and were available at Court, but they were never called to give evidence. The single State witness contradicted himself on various material aspects and of all the people who were alleged to have been on the back of the relevant van, only the two accused were arrested, and brought before the Court.

The allegation by the accused in this matter was that the police had hit them with shamboks and opened fire for no apparent reason. The two accused were convicted and sentenced to 30 months imprisonment each of which 12 months were suspended.

It was the writer's opinion herein that the Magistrate should have given the accused the benefit of the doubt having regard to the calibre of the State evidence and permission is sought to lodge an appeal in this matter.

Neither of the two accused have parents. They are both orphans living with relatives and have been in custody since their arrest.

In view of the foregoing, we have been unable to obtain any payment and our statement of account is attached.

We would be grateful if we could be advised of the Council's attitude in regard to the appeal herein as soon as possible.

14. VUYANI AND NTSHEBE

In this matter two Bantu youths were charged with public violence and robbery in that it was alleged that they were the leaders of a crowd of youths who took over a lorry which was used to crash into two separate bottle stores. The State in this matter called various accomplices but failed to corroborate one another and as a result hereof the accused were acquitted on the counts of public violence and robbery.

However, Accused No. 1 Ntshebe on the strength of a written admission made by himself to a magistrate was convicted of being on a private vehicle without the owner's permission and obtained 6 cuts.

In regard to the accused Vuyani, at the time of his arrest he was in employment but has lost his employment as a result of having been kept in custody.

He is an orphan of 16 years of age who lives with his sister while the accused Ntshebe is also 16, is also an orphan and lives with his aunt. To date an amount of R30,00 has been paid and we attach hereto our statement of account.

15. WANDILE GUNGULUZA

In this matter the accused was charged with public violence and after taking instructions it appeared that the State had a particularly weak case and eventually the charge against him was withdrawn.

The family are of poor circumstances and Mrs. Gunguluza appears to be the sole supporter of her family and has managed to date to make payment of an amount of R16,00. Our statement of account is attached hereto.

16. ISAAC AND DORRINGTON NTANGA

In this matter two youths were charged with public violence in that it was alleged that they had taken part with a large crowd in a riot when police vehicles were stoned, whilst the police had opened fire on various persons and were arresting same. The evidence in this matter eventually disclosed that the two youths had thrown stones from their back yard and had not been part of the crowd.

They had been found guilty of malicious injury to property and were fined R30,00 or 30 days each and a period of imprisonment of 9 months was suspended. To date the family have been able to make payment of R75 and a statement of our account is attached.

17. SISTER NAMBA AND SEVEN OTHERS

In this matter the eight accused were charged with public violence. The accused consisted of 4 youths and 3 adults. After various postponements and after an application for bail had been successfully made, the charge was eventually withdrawn,

having regard to the fact that the complainant in this matter had been cross-examined on previous occasions by the writer when the Court had found that he had been unreliable and had strayed from the truth. He failed to make appearance in Court as a result of which the matter was withdrawn.

In this matter an amount of R180,00 has been paid by those accused who have been able to raise monies towards their defence, particularly the adults involved, but having regard to the completed matter the accused were not of sufficient means to raise the complete fee and our statement of account is attached wherein you will note that the bail disbursed by ourselves herein has been returned.

18. QUNTA & FUTYANA

In this matter the two accused had originally been charged with another accused for whom the writer appeared. At the time of that appearance the prosecution asked for a separation of the trials and the writer conducted the trial for one

This accused was eventually acquitted due to the material contradictions between the two European State witnesses.

Eventually the parents of the other two accused approached the writer for assistance as they did not have legal representation because they were unable to afford same.

A copy of the relevant record of the previous matter was obtained and the writer made a memorandum arising from that record which was handed to the prosecution.

Eventually the State decided in the light of the evidence given in Hanis matter that it would withdraw the charges.

In this particular matter it is an outstanding example of how the Church Council can often play an important roll in the meting out of justice for all as it is quite probable that had the two accused in this matter not been represented and if there had been insufficient funds to obtain a copy of the relevant record, a Court may well have found itself in a position to commit the two accused whereas having regard to all the circumstances, they would have been entitled to have the charges against them withdrawn. Our statement of account is attached hereto.

Yours faithfully,

SELWYN SOLOMON & JOHN D. JACKSON.

3

Judge criticises magistrate over bail decision

By ANDRE VILJOEN

STATEMENTS made by a Port Elizabeth magistrate who last month refused bail to 19 Africans charged with public violence, were sharply criticised by a Supreme Court judge yesterday in a successful appeal heard in Grahamstown.

The magistrate's statements concerned the conduct of the applicants' attorney, their source of legal fees and "the notorious Biko affair".

Yesterday's appeal was against the magistrate's refusal last month to grant bail to the 19 on the grounds that they might then have fled the country or interfered with State witnesses.

When the appeal was heard yesterday, 10 of the 19 had already been disposed of.

Two of them were convicted on their own pleas of malicious injury to property and were fined R40 and R50 respectively.

Two more were found not guilty and the cases against a further six were withdrawn.

In upholding the appeal of the remaining nine Mr Acting Justice Solomon fixed bail at R50 each.

Other conditions of bail were that they did not leave the Port Elizabeth magisterial district until their trial, that they reported daily to the police, and that they did not interfere with any persons who might be identified in any case in which any of them was involved.

The magistrate had said that by accepting briefs while already busy, the applicants' attorney Mr J. D. Jackson, had been instrumental in delaying the trial of the 19. He also said it was strange that Mr Jackson had not adhered to one of the most basic and ethical principles of legal practice.

Mr Justice Solomon said an attorney had the right to conduct his practice as he wished and that there was no connection between Mr Jackson's conduct and the application for bail.

At the original bail application the magistrate had said the Court noted

tap for the defence of his public violence clients.

The magistrate had also said the whole business appeared to be well organised and that a defence fund similar to one used in "the notorious Biko affair" existed in the location to assist contributors when they landed in trouble.

The source of the applicants' legal fees had no bearing on the bail application, Mr Justice Solomon said. He said the magistrate's allusion to the "Biko affair" amazed him.

If the magistrate meant that the fees aspect of the

"Biko affair" was notorious then his words had been unwarranted, injudicious, and ill considered.

Mr Justice Solomon said a magistrate was obliged to weigh the scales of justice and not to be concerned with the weight on one side of the scale only.

In protecting the State and the administration of justice it was a magistrate's duty to see that the liberty of his subjects was safeguarded.

Mr Justice Solomon said that the magistrate had not brought his mind properly to bear on the matters before him.

Youths jailed for sabotage

By GEORGE
BYRON

TWO YOUTHS, aged 14 and 16, were each jailed for five years by a Regional Magistrate sitting in Fort Beaufort this week after he convicted them of sabotage.

Both pleaded not guilty of sabotage, alternatively arson. It was alleged that on October 29 they burnt down the Bantu Affairs Administration Board offices in Fort Beaufort. The building and all the records were destroyed and damage was estimated at R12 600.

Another youth, aged 17, facing similar charges, was acquitted at the end of the State's case.

In passing sentence, the magistrate, Mr B. P. Loots, told the youths that a conviction of sabotage carried a jail sentence of at least five years. He said the acts had been senseless destruction of property.

court that when he arrived at the scene the building was in flames and the roof was sagging. The fire brigade was present but was unable to put out the flames.

A WO Knoetze told the court he was awoken by a loud bang and saw the BAAB offices on fire, from his home.

The heat of the fire was so intense that he could not get near it. When he returned to the building the next morning he found a oil container which was partly burnt.

WO Knoetze said that there was a fingerprint on the drum which was subsequently proved to be that of the youth of 16. The youth of 14 made a statement in which he admitted his guilt.

In mitigation, one of the youths said that he had not realised that his part in burning the building would have such heavy consequences.

Mr J. Gross appeared

200 arrests as black
children stone police

HERALD REPORTERS

ABOUT 200 African high school pupils were arrested last night in New Brighton, Port Elizabeth, after they stoned police vehicles and injured four policemen.

The arrests took place after a meeting in St Stephen's Church Hall, attended by about 700 pupils who were told to disperse when the meeting ended.

The Divisional Commissioner of Police, Brig P. J. Hugo, said last night that a crowd gathered outside the hall and stoned the police. Everyone was warned to disperse and tear gas was fired.

"The stoning continued. Four policemen were injured and several vehicles damaged. The police established that the hall was empty. A crowd was then driven inside and arrested. There were possibly about 200 arrests. Girls were not arrested." Brigadier Hugo said.

Schools

The pupils' meeting was held to discuss the reopening today of township schools. The meeting started at 5pm and ended at 8pm.

Late last night police were drawing up the indictments. It could not be established what the charge would be.

Before the meeting, pupil leaders said they would issue a Press statement on the resolutions taken. It was not available because of the arrests.

It is reported that two pupils received superficial facial injuries from flying gas canisters. Others fell to the ground overcome by the fumes.

It was reported late last night that a school principal's car was overturned and burnt out in New Brighton.

Buses stoned

The bus service to New Brighton was suspended between 10 and 11 pm after seven buses had been stoned and 20 bus windows broken.

Late last night, Mr Carl Coetzer, general manager of the Bay Passenger Transport Company, said the suspension of the service had been a precautionary measure.

"When we heard about the stoning of the buses, we decided to withdraw the service to avoid further damages. By 11pm things had quietened down and after I had done a

tour of all the bus routes in New Brighton I decided that we should proceed with the normal service," he said.

Mr Coetzer said the service resumed after 11pm.

Footnote: The relevant section of the Riotous Assemblies Act prohibiting open air gatherings was extended recently by a Government Gazette notice until March 31, 1978.

50 arrested at Cradock

HERALD REPORTER

THE number of people arrested at Cradock since rioting broke out on Monday has risen to about 50.

Five people, including a Cape Midlands Bantu Affairs Administration Board official, Mr M. Tosela, were treated for gunshot wounds during the rioting which has left a post office and a policeman's house gutted, and caused slight fire damage to BAAB offices.

The Divisional Commissioner of Police, Brig P. J. Hugo, said yesterday two men were arrested after an attempt was made to fire the Michausdal coloured primary school about 1½ kilometres from the town.

Brig Hugo said that on Tuesday night rioters set fire to the post office in the African township of Lingehle and attempted to burn down the BAAB offices. Only slight damage was reported.

He said a mob attacked a policeman's house setting it on fire. It was gutted.

Another policeman's

house was ransacked on Tuesday morning.

He said Mr Tosela was injured in the hand by police fire when police went to investigate a report that attempts were being made to burn down a BAAB hall.

Mr Tosela was attempting to put out the fire and in a misunderstanding the police opened fire, hitting him in the hand.

Brig Hugo said order had been restored and all was quiet in the township yesterday afternoon.

Police were on standby. Pupils at the Sankhale Secondary School in the township have been boycotting classes since Monday.

Youth, 12, hit by bird shot

HERALD REPORTER

A BLACK youth of Port Elizabeth, Edward Mtshe-nenda, 12, was treated in Livingstone Hospital for birdshot wounds after a shooting incident at Draai-fontein on Monday night.

A police spokesman said yesterday that the matter had been referred to the public prosecutor to decide whether a charge would be laid.

Edward and two friends were walking along Draai-fontein Road near Port

Elizabeth on Monday night, when one of them had an argument with a black girl standing next to the road. She was then allegedly assaulted by a 15-year-old boy and started screaming for help.

A man came to her rescue armed with a shotgun. The three boys fled. Edward was hit in the back when a shot was fired, the spokesman said.

He was discharged after treatment in hospital.



This blazing bus was photographed in New Brighton last night, during the renewed violence which has shaken the black township for the past two days. Two buses belonging to Bay Passenger Transport Company were destroyed when rioting youths set them alight. This bus was set on fire in Avenue A, New Brighton, after 6pm. No one was hurt.

Bail plea for pupils resumes today

HERALD REPORTER

A PLEA for bail for 280 African school pupils held by the police since the St Stephen's Hall incident in New Brighton last Tuesday night is due to be resumed before a Port Elizabeth magistrate today.

The court hearing was adjourned at noon on Saturday and the pupils, who appear to range in age from about 16 to 20, were remanded in police custody until today.

Of the 474 pupils originally arrested at the hall 179 under the age of 16 were released last Thursday in the custody of their parents pending trial on December 5 on a charge of public violence.

Defending attorneys since then have tried to secure bail for the remainder. So far, in two cases involving a total of 15 pupils bail has been refused and those 15 pupils will spend the next seven weeks in custody pending the trial on December 5.

On Saturday morning the remaining 280 pupils appeared at a special court, sitting in a recreation hall at the Algoa Park police station.

Mr D. Tshiki, for some of the pupils, applied for

bail. The State opposed it.

Mr Tshiki then said he had wanted to call Mr Dan Qeqe to give evidence in support of the bail application, but Mr Qeqe had just been detained by Security Police in the corridor.

After a brief adjournment, the prosecutor Mr C. C. Klackers, told the court that Mr Qeqe had been detained under Section 22 of the General Law Amendment Act. The State was just as surprised as the defence, he said.

Failed

Mr Tshiki's next witness, Mr Frank Tonjeni, principal of Cowan High School, said that because of the boycott no children were at school.

Cross-examined, he said pupils who wanted to go to school feared being singled out by intimidators. His own children were not at school.

Mr Klackers said Mr

Tonjeni and parents in general had failed to assert authority over their own children and were partly responsible for the situation.

Mr Tshiki said that the defence had been caught unawares by Mr Qeqe's detention and asked that the bail application be adjourned until Monday.

Afterwards, the head of the Security Police in Port Elizabeth, Col P. J. Goosen spoke to a crowd of about 200 parents outside the police station.

Every day since the trial started on Wednesday, hundreds of parents have gathered outside the police station where the court is being held. Not all the parents can get into the court because of the limited space.

Mr E. de Kock was on the Bench. Mr D. Tshiki, Mr C. M. Somyalo, Mr H. Fischat and Mr S. Nkanunu appeared for the pupils.

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